



# भारत का राजपत्र

## The Gazette of India

प्राधिकार से प्रकाशित

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[No. 18] NEW DELHI, SATURDAY, MAY 4, 1968/VAISAKHA 14, 1890

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## नोटिस

## NOTICE

नीचे लिखे भारत के असाधारण राजपत्र 19 अप्रैल, 1968 तक प्रकाशित किये गये :—

The undermentioned Gazettes of India Extraordinary were published up to the April, 1968 :—

Issue No.	No. and Date	Issued by	Subject
119	S.O. 1303, dated 4th April, 1968.	Ministry of Finance.	Appointing all officers of Customs not below the rank of Preventive Officers Grade II, and all Central Excise Officers not below the rank of Inspector of Central Excise to be officers of enforcement for the purpose of enforcing the provisions of the Foreign Exchange Regulation Act, 1947 (7 of 1947).
120	S.O. 1304, dated 4th April, 1968.	Do.	Declaring the amount of expenditure incurred out of the Consolidated Fund of Bombay.
	S.O. 1305, dated 4th April, 1968.	Do.	Declaring the amount of expenditure incurred out of the Consolidated Fund of Bombay.
	S.O. 1306, dated 4th April, 1968.	Do.	Declaring the amount of expenditure incurred out of the Consolidated Fund of Bombay.

Issue No.	No. and Date	Issued by	Subject
	S O. 1307, dated 4th April, 1968.	Ministry of Finance.	Declaring the amount of expenditure incurred out of the Consolidated Fund of Bombay.
121	S.O. 1308, dated 5th April 1968.	Ministry of Commerce.	Amendment to the notification No. S O. 3975, dated 20th December, 1965.
122	S O. 1338 dated 10th April, 1968	Ministry of Industrial Development and Company Affairs.	Extending the period of the management of the Inda Electric Works Ltd., Calcutta for a further period of two months from the 11th April, 1968
123	S O 1339, dated 10th April, 1968.	Ministry of Information & Broadcasting.	Approval of the film as specified therein.
124	S.O. 1340, dated 10th April, 1968	Ministry of Commerce.	Amendment in the Second Schedule to the Indian Tariff Act, 1934 (32 of 1934)
125	S O 1341 dated 11th April, 1968.	Election Commission, India	Addition in the notification No. 56/67-III (S O. 3483) dated 26th September, 1967.
126	S O. 1342, dated 11th April, 1968.	Do	Bye-election to the House of the People from the 27-Bijapur Parliamentary Constituency.
127	S O 1343 dated 15th April, 1968.	Ministry of Commerce.	Extending the period of management of the Swadeshi Cotton and Flour Mills Ltd., Indore by the Authorised Controller up to the 15th June, 1968
128	S O 1344, dated 15th April, 1968.	Ministry of Law	Notifying the names of the members elected by the elected members of the Legislative Assembly of the State of Jammu and Kashmir and the members of the Electoral College of the Union Territory of Delhi.
129	S O. 1345, dated 15th April 1968.	Do	Declarations containing the names of the candidates elected to fill the seats in the Council of States
130	S.O. 1425, dated 16th April, 1968	Election Commission, India	Bye-election to the House of the People from Dausa Parliamentary Constituency.
131	S.O. 1426, dated 17th April, 1968	Ministry of Petroleum & Chemicals.	Direction that the provisions of sub-clause (1) of clause 11 of the Molasses Control Order, 1961 shall come into force in the State of Andhra Pradesh with effect from the 17th day of April, 1968.
132	S.O. 1427, dated 19th April, 1968.	Election Commission, India.	Bye-election to the House of the People from Krishnanagar Parliamentary Constituency in the State of West Bengal.

Issue No.	No. and Date	Issued by	Subject
	S.O. 1428, dated 19th April, 1968.	Election Commission India.	Appointment of dates for the above bye-election (S.O. 1427).
	S.O. 1429, dated 19th April, 1968.	Do.	Fixation of hours for the above bye-election (S.O. 1427).
133	S.O. 1430, dated 19th April, 1968.	Do.	Bye-election to the House of the People from Kokrajhar (ST) Parliamentary Constituency.
	S.O. 1431, dated 19th April, 1968.	Do.	Appointment of dates for the above bye-election (S.O. 1430).
	S.O. 1432, dated 19th April, 1968.	Do.	Fixation of hours for the above bye election (S.O. 1430).
134	S.O. 1433, dated 19th April, 1968.	Ministry of Law.	The Conduct of Elections (Amendment) Rules, 1968.

ऊपर लिख असाधारण राजपत्रों की प्रतियाँ प्रकाशन प्रबन्धक, मित्रलि लाइन्स, दिल्ली के नाम माँगपत्र भेजने पर भेज दी जायेंगी। माँगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुँच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

### भाग II—खण्ड 3—उपखण्ड (ii)

#### PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केंद्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएँ।

**Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).**

#### MINISTRY OF HOME AFFAIRS

*New Delhi, the 25th April 1968*

**S.O. 1525.**—In exercise of the powers conferred by sub-section (1) of section 492 of the Code of Criminal Procedure, 1898 (5 of 1898), the Central Government hereby appoints Shri K. Kunhirama Menon, Advocate, Calicut, as Public Prosecutor for the conduct of cases mentioned below, in the original appellate and revision courts:

- (i) RC 18/E/66—Against M/s. Sharda Machinery Corporation, New Delhi and Chrompet, Madras K. S. Veeramony and J. S. Macedo.

- (ii) RC 17/E/67—RC 32/E/67—Both against M/s. British Machinery Supplies Co. Nizarak, Delhi, M/s. Sharda Machinery Corporation, New Delhi and Chrompet Madras, Parmanand Varma, K. S. Veeramony and J. S. Macedo.

[No. 225/12/68-AVD.II.]

**S.O. 1526.**—In exercise of the powers conferred by sub-section (1) of section 492 of the Code of Criminal Procedure, 1898 (5 of 1898), Central Government hereby appoints Shri K. Ramaswamy, Advocate, Madras, as a public Prosecutor for the conduct of case R.C. 37/65-EOW/Madras against Shri K. V. Sunderavelu and 4 others in the original appellate and revisional Courts.

2. The notification issued by the Ministry of Home Affairs under No. 225/8/68-AVD II dated 1st March 1968 is hereby rescinded.

[No. 225/8/68-AVD-II.]

A. P. VEERA RAGHAVAN, Dy. Secy.

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## MINISTRY OF STEEL, MINES AND METALS

(Department of Mines and Metals)

*New Delhi, the 24th April 1968*

**S.O. 1527.**—In exercise of the powers conferred by sub-sections (2) and (4) of section 17 of the Mines and Minerals (Regulation and Development) Act, 1957 (67 of 1957), the Central Government, after consultation with the Government of Rajasthan, hereby makes the following amendment in the notification of the Government of India in the late Ministry of Steel, Mines and Heavy Engineering (Department of Mines and Metals) No. GSR 288 published in the Gazette of India, Part II, Section 3, sub-section (i) dated 29th February 1964, namely,—

“In the said notification, in the Schedule, Item 2 (relating to Manglod) shall be omitted.”

[No. 4(4)/63-MII.]

D. D. GUPTA, Dy. Secy.

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## ELECTION COMMISSION OF INDIA

*New Delhi, the 26th October 1967*

**S.O. 1528.**—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1951, the Election Commission hereby cancels its following notifications:—

- (1) No. 434/J&K/HP/66, dated the 2nd January, 1967.
- (2) No. 434/J&K/HP/66, dated the 20th February, 1967.
- (3) No. 434/J&K/HP/66, dated the 24th February, 1967.

[No. 434/J&K/67.]

New Delhi, the 28th March 1968

**S.O. 1529.**—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the order pronounced on the 13th March, 1968, by the High Court of Madhya Pradesh, Indore Bench, Indore, in election petition No. 45 of 1967.

IN THE HIGH COURT OF MADHYA PRADESH BENCH, INDORE

ELECTION PETITION NO. 45 OF 1967

Hari Vishnu Kamath V Choudhary Nitiraj Singh

ORDER

Issues No. 15 and 16 were directed to be treated as preliminary and arguments of the parties were heard on them on 30th October, 1967. These issues and my findings thereon are as below:—

**Issue No. 15.**—Whether the petitioner has not complied with the provisions of Section 81(3) of the Representation of the People Act, 1951, in as much as no copy of the telegram, referred to in para 7 (v) of the petition, has been filed for being supplied to the respondent? If so, whether the petition is not properly presented and ought to be dismissed?

**Issue No. 16.**—Whether the petitioner, by not filing one copy of the alleged faked ballot-paper with the copy of the petition for being supplied to the respondent, has violated the provision of Section 81(3) of the Representation of the People Act, 1951? If so, whether the petition is not properly presented and ought to be dismissed?

The contention of the respondent with reference to this issue is that although in para 7(v) of the petition as amended the petitioner averred that the Congress party flag had been seen hoisted on the house of Shri Balmukund Gupta during the election period and that on the protest by an independent candidate Shri Kishorilal Paliwal by telegrams, copies of which were being filed, the same had been removed, yet in reality no such copies of the telegrams of Shri Kishorilal Paliwal were filed nor any such copies of the telegrams were supplied to the respondent. This default, it is said, on the part of the petitioner rendered the petition open to dismissal under Section 86(1) of the Representation of the People Act, 1951, for non-compliance of Section 81(3) of that Act. Reliance is sought to be placed on behalf of the respondent upon the decision of the Supreme Court reported in A.I.R. 1965 Supreme Court 1243 *Amin Lal V. Hunna Mal* (page 1246 Column 2) as also upon the decision of Bhargava J., in the Election Petition No. 36 of 1967 *Rama Shankar V. Jugalkishore* and others, dated 26th July, 1967.

This contention, in my opinion, is untenable. Neither the provisions as contained in Section 81(3) and 86(1) of the Representation of the People Act, 1951, nor the decisions above referred justify dismissal of this petition as urged.

The relevant observations of their Lordships of the Supreme Court appearing at page 1246 Column 2 of A.I.R. 1965 Supreme Court 1243 *Rama Shankar's* case are as below:—

“Indeed this provision gives an independent power to the Tribunal to dismiss an election petition on the ground of non-compliance with the provisions of Sections 81 and 82 despite the fact that the Election Commission has not chosen to dismiss it upon those grounds under Section 85. Since the election petition can be permitted by the Tribunal to be amended, a petition which has been amended would, from the date of amendment, be the only petition before it. Therefore, that would be the petition with respect to which it could exercise the powers conferred upon it by Sub-section (3) of Section 90. To hold otherwise would lead to the result that the powers—conferred by the legislature on the Tribunal by this provision will become non-exercisable in respect of one category of election petitions. There is nothing in Section 90 which deprives the Tribunal of any of the powers conferred upon it by the aforesaid provision. No other provision has been brought to our notice which has the effect of taking away the express powers—conferred by sub-section (3) of Section 90 on the Tribunal by reason of an amendment of the petition. We cannot, therefore, accept his contention”.

These observations of their Lordships do indicate that the Election Tribunal trying an election petition and now the High Court doing so have clear power to dismiss an election petition on the ground of non-compliance with Section 81 or 82 of the Representation of the People Act and such power is exercisable even with reference to an election petition which has been amended.

But the material question for consideration is whether there is in fact a non-compliance of Section 81(3) of the Representation of the People Act, 1951, in a particular case.

In the present case in the first place the petition, as amended, as well as the amendment petition did refer to the fact that an independent candidate named Kishorilal Paliwal had by telegrams protested against hoisting of Congress Party flag on the house of Shri Balmukand Gupta. Thus the material contents of the telegrams were mentioned in the averment. Although copies of those telegrams were stated to have been filed in reality they were not. But this failure to file such copies did not mean that either the petition itself or the copies thereof as contemplated by Section 81(3) were materially defective or incomplete. Even if no mention had been made in the petition that the copies of the telegrams were being filed the petition would not have been rendered materially defective or incomplete. The averment as to copies was referable to a piece of evidence to corroborate that averment. This evidence could be produced later.

In the second place it cannot be said that copies of telegrams constituted annexure or schedule to the petition so that the petition as well as copies thereof, if unaccompanied by such copies of the telegrams, would be materially incomplete making it almost impossible for the respondent to have his say against the averments made in the petition. It was held by their Lordships of the Supreme Court in A.I.R. 1964 Supreme Court 1945 Murarka Radhey Shyam V. Roop Singh, in para 11 of the report page 1551 column 1:—

“Having regard to the provisions of Part VI of the Act, we are of the view that the word ‘copy’ does not mean an absolutely exact copy. It means a copy so true that no body can by any possibility misunderstand it. The test whether the copy is a true one is whether any variation from the original is calculated to mislead an ordinary person. Applying that test we have come to the conclusion that the defects complained of with regard to Election Petition No. 269 of 1962 were not such as to mislead the appellant; therefore there is no failure to comply with the last part of sub-section (3) of Section 81. In that view of the matter sub-section (3) of Section 90 was not attracted and there was no question of dismissing the election petition under that sub-section by reason of any failure to comply with the provisions of Section 81.”

These observations of their Lordships were referred to with respect by Bhargava J., in his decision in Rama Shankar's case (Election Petition No. 36 of 1967), but in that case, on facts peculiar to it, he held that the copies supplied by the petitioner were so defective that they could not be treated as copies or true copies of the petition within the meaning of Section 81(3) of the Act.

As already held by me the copies of the petition cannot be said to be materially or substantially defective because of failure to file copies of the telegrams after making reference to such production further question as to liability of the petition to be dismissed under Section 86(1) for non-compliance with Section 81(3) does not arise. As far as I can see it can hardly be said that there is non-compliance with Section 81(3). I would, therefore, find with reference to issue No. 15 that there is no non-compliance of Section 81(3) because of petitioner's failure to file copies of telegrams and consequently the petition is not liable to be dismissed under Section 86(1) of the Representation of the People Act, 1951.

**Issue No. 16.**—The contention of the respondent with reference to this issue is that the alleged faked ballot-paper, to which reference was made by the petitioner in para 6 of the petition, had been made the part of the petition and as such failure to supply copy of the faked ballot-paper amounted to violation of Section 81(3) of the Representation of the People Act, 1951, and that consequently the petition is not properly presented and ought to be dismissed on that account.

This contention, in my opinion, is untenable. I have already held on the strength of the observations of their Lordships of the Supreme Court in A.I.R. 1965 Supreme Court 1243 (supra) that the High Court would dismiss an election petition on the ground of non-compliance with Section 81(3) of the Act and such power is exercisable with reference to an election petition which has been

amended. But the material question in the present case is whether failure to supply copy of the faked ballot-paper to the respondent referred to in the petition amounts to non-compliance with Section 81(3) of the Act.

The petitioner in para 6 of the petition has given clear description of the faked ballot-paper and indicated therein what it contained in the following terms:—

"The respondent published fake dummy or ballot papers on which it was printed within two asterisks 'NAKLI MAT PATRA.' The name of the respondent and his symbol was shown on the ballot-paper whereas the name of the petitioner was also printed in small letters without his symbol. A request was also made in the note at the bottom that the voters should put their seals on the pair of bullocks."

The petitioner further avers that 'a specimen copy of the faked dummy ballot-paper is filed along with the petition'. Failure to supply copy of the specimen copy cannot under the circumstances amount to non-compliance—non-supply of materially correct copy and it cannot be said that there is violation of Section 81(3) of the Representation of the People Act, 1951, and that consequently the petition is liable to be dismissed under Section 86(1) of the Representation of the People Act, 1951.

The petitioner in para 6 clearly indicated what the faked ballot-paper contained and it cannot be said that those allegations were so materially incomplete as to prevent the respondent from meeting those allegations or replying to them. The copy in this case is substantially complete and therefore as held by their Lordships of the Supreme Court in A.I.R. 1964 Supreme Court 1545 (*supra*) the petition cannot be dismissed under Section 86(1) of the Representation of the People Act, 1951. Thus my finding on issue No. 16 is that the petitioner, by not supplying the copy of the faked ballot-paper referred to at the commencement of para 6 of the petition to the respondent, has not violated Section 81(3) of the Representation of the People Act, 1951 and that consequently the petition is not liable to be dismissed as not properly presented.

In view of these findings the case shall be set down for further trial.

Dated the 20th of November, 1967.

Sd./ V. R. NEWASKAR, Judge.

HIGH COURT OF MADHYA PRADESH, JABALPUR BENCH AT INDORE

ELECTION PETITION NO. 45 OF 1967

*Applicant*

Hari Vishnu Kamath s/o. Han  
Kamath, R/o. Dhantoli, Nag-  
pur-1 (M.S.) and Western  
Coast, New Delhi.

Vs.

*Opposite Party*

Choudhary Nitirajsingh s/o. Chou-  
dhary Daulatsingh, Advocate,  
Narsinghpur. (M.P.)

Applicant for challenging the election of the Respondent Choudhary Nitirajsingh. From Hoshangabad Parliamentary Constituency No. 27 to the Lok Sabha declared on 22nd February, 1967.

Petition presented by Shri Hari Vishnu Kamath Counsel for applicant, on 10th April, 1967.

The application coming on for final hearing on 19, 20 and 21 of February, 1968, before the Honourable Shri Justice V. R. Newaskar, and the Honourable Shri Justice N., in the presence of Shri A. K. Chitale, Y. S. Dharmadhikari, A. P. Chitambar, V. M. Rao, S. K. Jain Counsel for the applicant, and of Shri L. S. Shukla; V. P. Mishra Counsel for the opposite party, the following order was passed by the Court:—

ORDER

IN THE HIGH COURT OF MADHYA PRADESH BENCH INDORE

ELECTION PETITION NO. 45 OF 1967

CORAM.—The Hon'ble Shri V. R. Newaskar, J.

Hari Vishnu Kamath, V. Choudhary Nitirajsingh.

JUDGMENT

This is an election petition submitted by an unsuccessful candidate, Shri Hari Vishnu Kamath, under Sections 80-A, 81 and 100 of the Representation of the

People Act, 1951 seeking to set aside the election of the respondent Choudhary Nitirajsingh from Hoshangabad parliamentary constituency No. 27.

The petitioner seeks to set aside the election of the respondent on the ground that the respondent was guilty of several corrupt practices involving bribery, gifts and offer of promises made or given by the respondent or his agents or by other persons with his consent with the object directly or indirectly of inducing the voters to vote for the respondent and not to vote for the petitioner, as also on the ground of the respondent having exercised undue influence on the voters or electors involving direct or indirect interference or attempt at interference on the part of the respondent or other persons with his consent with the free exercise of their electoral rights and further that the respondent, his agents and others, with his consent, were guilty of publication of statements of facts which were false or were not believed by them to be true in relation to the personal character or conduct or candidature of the petitioner, and lastly, that the respondent or his agents or others with his consent, had obtained or procured or attempted to obtain or procure the assistance of persons in the service of the Government for furthering the prospects of his election. It was on these broad grounds that the petitioner seeks to set aside the election of the respondent.

In setting out the particulars of the corrupt practices with reference to the averments as to bribery as contemplated under Section 123 (1) of the Representation of the People Act, the petitioner states that the respondent Nitirajsingh was a candidate of the Congress Party which was the party in power during the entire period of the election in question; that the Hoshangabad parliamentary constituency for which the petitioner and the respondent were the candidates consisted mostly of rural areas inhabited by agriculturists and that at the time of the selection of the Congress candidate, there was sharp cleavage of opinion between several internal groups of the Congress; that the then Chief Minister of Madhya Pradesh, Shri Dwarkaprasad Mishra was a member of the Central Election Committee of the Congress and it was he who was in fact instrumental in selecting the respondent as the Congress candidate for the Hoshangabad parliamentary constituency as also for various constituencies in the State; that the said Chief Minister, D. P. Mishra with a view to influencing the voters, who were mostly agriculturists, and to induce them to vote for the Congress candidate, got published a declaration on the 16th and 17th of February, 1967, at Narsinghpur and Piparia respectively in the presence of the respondent, a declaration to the effect that the agriculturists holding land not exceeding 7.5 acres or paying rent upto Rs. 5 would be exempted from payment of land-revenue; that besides making the declarations at the aforesaid places, speeches were also made by Shri D. P. Mishra and the respondent giving out the intention of the Congress Party to confer benefit upon the agriculturists in similar strain. These declarations and speeches made by Shri D. P. Mishra and the respondent on the eve of election were meant to induce the voters to vote for the Congress Party and amounted to a corrupt practice of bribery as contemplated under Section 123(1) (A) (b) of the Representation of the People Act.

To bring about the aforesaid result of inducing the agriculturists-voters, an ordinance was issued by the Government of Madhya Pradesh dated 23rd of December, 1966, which later became an Act No. 8 of 1967 and that after the publication of the ordinance, respondent and D. P. Mishra started canvassing and inducing the voters to vote for the respondent on the ground that the ordinance exempting the small holdings from land-revenue would become law only if the Congress candidates were returned elected. Such statements, it was said, were made by them in the public meetings at Narsinghpur and Piparia on 16th of February, 1967. This Act of exemption of land-revenue it was alleged by the petitioner, had been made by the then Chief Minister, D. P. Mishra who was also the leader of the Congress Party and in so doing, he became the principal agent of the respondent in connection with his election.

The second act on the part of the then Chief Minister of Madhya Pradesh which was meant to induce a large section of the voters to vote for the Congress Party was with reference to the dearness allowance of Class III and IV employees of the State Government. This act, it was said, was done by him as the agent of the respondent. There was, it is said, a long standing and reasonable demand of the ministerial staff in the State of Madhya Pradesh for increase in dearness allowance. That demand had not been conceded by the State Government on the ground that the Union Government refused to contribute towards the expenditure involved in such increase. In consequence of such refusal, there were demonstrations and representations by the ministerial employees in the months of January, and February, 1967. The Congress Party apprehended that such resentment on the part of the ministerial employees would have an adverse



effect on the poll. In order therefore, to induce these Class III and IV employees of the Government to vote for the Congress, Shri D. P. Mishra who was the virtual leader of the Congress Party in the State, announced in the second week of February, 1967, i.e., a few days before the date of poll, that the Government was committed to give increased rate of dearness allowance to its employees from 1st April 1967.

It is further alleged that declaration was also made by the respondent and his agent, Shri D. P. Mishra at Narsinghpur and Piparia in the meeting held on 16th of February, 1967, that the Government servants falling in Class III and IV categories would be given increased dearness allowance at par with the employees of the Central Government and that they would continue to render similar services to these classes of employees if the Congress candidate for the parliamentary election was elected by the voters. These statements, it was said, were made by the respondent and his agent, Pandit Dwarkaprasad Mishra with the consent of the respondent with the intention of inducing the voters to vote for the respondent. The aforesaid declarations in connection with the increase in dearness allowance of Class III and IV employees of the State, according to the petitioner, constituted bribery. It was an offer of promise by the candidate himself by making declaration of monetary increase in dearness allowance to induce that section of the electors to vote for the Congress Party and consequently, amounted to a corrupt practice as contemplated by Section 123(1) (A) (b).

The third category of corrupt practice under this head was alleged to be the starting of 'relief works'. In the middle of the year 1966, a new system was evolved in the name of scarcity programme. The State Government declared some areas as scarcity areas due to drought and authorised employment of needy persons for works relating to roads, embankment etc. Sufficient fund was allotted to each scarcity affected district. Although the revenue district of Narsinghpur, it was said, was not declared as scarcity area, yet, relief works were started just one month before the date of election. In the month of February, 1967, many labourers who were also voters were employed in those works. Before the first week of February, 1967, only 3 lakhs labourers had been employed in connection with the relief works in the State of Madhya Pradesh but immediately a week or two before the date of poll, near about 8 lakhs of persons were employed as labourers. In the Narsinghpur and Hoshangabad districts, 20 thousand labourers were employed for about 4 weeks in the relief works. These labourers were also electors of parliamentary constituency. The relief works aforesaid had been started at the instance of the Congress Party of which the Chief Minister was the leader with a view to giving employment to the voters and thereby inducing them to vote for the candidates set up by the Congress Party.

The fourth category of corrupt practice of bribery alleged by the petitioner was in connection with the continuance of a post-office at Singpur. The petitioner's allegations with reference to this corrupt practice are that Shri S. S. N. Mushran was the Congress candidate for the Assembly constituency of Gadarwara within the limits of which the village Singpur is situated. The election propaganda and campaign of Shri S. S. N. Mushran and the respondent had been carried on jointly and Shri S. S. N. Mushran had been acting as the agent of the respondent with his consent throughout the period of the election. At Singpur, there was a branch post-office situated in the Gram-Panchayat office building. The branch post-office was found by the postal department to be un-economic. The postal department, therefore, was un-willing to continue the post-office unless it was assured of a certain level of income expected by it. During the financial year 1966-67, the postal department found that there was a deficit of Rs. 200 for retaining the post-office there during that year. The postal authorities were proposing to close down the branch post-office unless the Gram-Panchayat was prepared to make good the deficiency. This situation was put by the Gram-Panchayat before Shri S. S. N. Mushran, the President of the Madhya Pradesh Provincial Congress Committee and the Congress candidate from Gadarwara legislative assembly constituency when he visited Singpur in the second week of February, 1967, and they said that they would induce the electors of the village to vote for the candidate who would help them in making up the deficit. Thereupon, it is said, Shri S. S. N. Mushran paid Rs. 200 to the office-bearers of Gram-Panchayat on 11th February, 1967, for making good the deficiency in the income of the post-office. This fact induced the voters to vote for the Congress Party candidate for the Vidhan Sabha as well as for the Lok-Sabha. This act of Shri Mushran involved corrupt practice as the agent of the respondent with his consent for inducing the voters to vote for the Congress candidate and amounted to 'bribery' under Section 123(1) of the Representation of the People Act.

The next item of corrupt practice was in connection with a High-School building at Karapgaon, tahsil Gadarwara. The material averments with reference to it are that on 16th of February, 1967, the respondent accompanied by Baboolal Jain who was the Congress candidate from the constituency of Bohani, induced Chaitram son of Chunnilal Kalar, Prahadsingh son of Motisingh and Babulal son of Madhosingh to vote for the Congress Party candidates by giving an assurance to open a High School or to exert their influence with the Government to have a High School opened there. The respondent, it is said, further offered to donate a substantial amount for the construction of the school building in case the Government opened a High School there. Such offer of opening a High School with the object of inducing the electors to vote for him constituted a corrupt practice of bribery.

The last item under this head of corrupt practice was with reference to relaxation of ban on the movement of Gulabi Chana. During the election period, it was said, there was a total ban on movement of Gulabi Chana from outside the districts of the State of Madhya Pradesh and from out of the State of Madhya Pradesh. The Congress Party and the candidates set up by the Congress Party felt that this restriction in the movement of Gulabi Chana would cost them heavily in votes. The Party candidates, therefore, could freely persuade the Government to help them in furtherance of the prospects of their election. The respondent felt that way and on his persuasion as also that of his agents, the State Government temporarily removed the restriction on the movement of Gulabi Chana for a period between 1st of February, 1967, to 15th of February, 1967, by granting permits for export of Gulabi Chana out of the State. At the instance of the respondent, permits were issued to Seth Bhojraj of Gadarwara, Shri Tulsiram Agrawal of Karoli and Shri Ramchandradas Pethia of Karoli. Those permits, it was said, had been issued with the consent of the respondent or in his interest with a view to induce the voters to vote for him. Such grant of permits at the instance of the respondent or of his agents with his consent amounted to the corrupt practice of bribery.

Another head of corrupt practice besides that of bribery was one falling under Section 123(4) and 123(2). The respondent, it is said, published faked or dummy ballot papers styled as 'Nakali Malpatra'. The name of the respondent together with his symbol were shown on that ballot paper whereas the name of the petitioner was printed in small letters and his symbol was omitted. At the foot of the ballot paper, there was a note requesting the voters to put their seal against the pair of bullocks. Such ballot papers, it was said, had been distributed throughout the constituency by the agents of the respondent with his consent. At the time of such distribution, the respondent as also his agents said that the petitioners symbol 'hut' no longer existed or that the petitioner had withdrawn his candidature. Such statements were made by the persons distributing the faked ballot papers at Gadarwara in the presence of the respondent. Such distribution had taken place during 10 days just preceding the date of polling in Narsinghpur on the 15th of February 1967 and Gadarwara on the 16th of February 1967 in the presence of the respondent. This was done by Baboolal Jain, a Congress candidate from Bohani constituency in the presence of the respondent. Besides him, Munshi Harprasad, Harishankar Sthapak and Tejram Kaurav distributed such faked ballot papers with the consent or in the interest of the respondent in the constituency. Giving further details of such distribution, it was said by the petitioner that such faked ballot papers were distributed by Komalsingh Akhepuria, agent of the respondent with his consent on 16th and 17th of February 1967 at Piparia by Shri Khubchand Khara, agent of the respondent and with his consent at Narsinghpur between 10th to 16th of February 1967 and by Munshi Harprasad and Harishankar Sthapak, agents of the respondent and with his consent at Gadarwara between 10th to 16th of February 1967 and lastly, by Tejram Kaurav, agent of the respondent and with his consent at Tendukheda on 16th of February 1967. The distribution of such faked ballot papers it was said, conveyed an impression that the petitioner had no symbol and further verbal statements made at the time of distribution confused the voters and led them to believe that the petitioner had withdrawn by reason of absence of his symbol on the faked ballot papers. These acts amounted to false statements which the person distributing, did not believe to be true and were in relation to the candidature of the petitioner and were calculated to prejudice the prospects of his election. This constituted a corrupt practice as contemplated under Section 123(4) of the Representation of the People Act.

The last category of corrupt practice related to procuring assistance or attempting to procure assistance of Government servants. Giving details about this corrupt practice, it was said that Choudhary Doulatsingh, the father of the respondent, who was a well-known public figure at Narsinghpur expired in

November 1966. The respondent had invited several persons of his caste and other influential persons at the 13th day ceremony in connection with his father's death sometime in December 1966. He had applied for a Congress ticket in October 1966 and he was selected as a Congress candidate by the end of November 1966. On the occasion of the 13th day ceremony, Shri Marutraj-singh Choudhary, who was the Chief Electoral Officer and Revenue Secretary, of the State of Madhya Pradesh and was also the brother of the respondent, told all the persons who had gathered in the 13th day ceremony, that the respondent would contest the election and they should help him and should carry on his election propaganda. On that very occasion, the respondent and Shri M. S. Choudhary also appealed to the caste voters to vote for the respondent on the ground that he was a person of their caste. These appeals by the respondent and his brother amounted to corrupt practice contemplated by Section 123(3) and 123(7) of the Representation of the People Act.

The second Government official whose assistance was said to have been procured by the respondent was the cousin of the respondent named Diwansingh Choudhary who was a Station House Officer at Sohagpur. With reference to him, it was stated, while giving the details of the corrupt practice with reference to him, that he called Baliram Patel of Dikwara and Rewatsingh Patel of Akola of Sohagpur tahsil on 16th and 17th of January 1967 at Sohagpur Police Station and told them to vote and induce others to vote for the respondent. A complaint was made about the activity of Diwansingh Choudhary to the Chief Election Commissioner by the petitioner.

Thirdly, it was said, that the Prime Minister of India, Shrimati Indira Gandhi had addressed a public meeting in Itarsi to solicit votes for the Congress Party candidates on 25th of January, 1967. Prior to that, that is on 23rd and 24th of January 1967, many State Government employees and the Railway employees of the Union Government had been found busy in the construction of the rostrum for the public meeting. The work was supervised by the S.D.O., P.W.D. and Sub Divisional Officer (Civil) and other P.W.D. and revenue officers. In a similar way, it was said, arrangements were made for the meeting of Pandit D. P. Mishra, the then Chief Minister of Madhya Pradesh, at Narsinghpur on 15th of February 1967 and on preceding dates. The respondent was himself present and supervising the work. The Chief Minister addressed the meeting on the 16th. The work of construction of the rostrum was supervised by the S.D.O. (Civil), Tahsildar and the respondent. The respondent, it is said, had told the officers that they should ensure proper arrangements for the election meeting of the Chief Minister.

Lastly one Balmakund Gupta, Naib-Tahsildar of Jabalpur, who was a resident of Paloha tahsil Gadarwara, actually took leave for doing the Congress propaganda. He came and resided at Paloha during the leave period. Shri Gupta was a junior of the Congress candidate for the Assembly constituency of Bohani, named Baboolal Jain when Mr. Gupta was practising as a lawyer. He worked for the respondent as his agent with his consent at Paloha, Khaguria, Bhatera and Bhera. The Congress Party flag was also seen hoisted on his house during the election period. It was later removed on protest by Kishorilal Paliwal.

On these grounds, it is said, that the election of the respondent was vitiated due to corrupt practices detailed above.

The respondent, in answer to the petition, has denied the various corrupt practices attributed to him or to his agent with his consent. It was denied that Pandit Mishra was instrumental in selecting him as a candidate for the Hoshangabad parliamentary constituency. It was also denied that the candidates for the Assembly constituencies during 1967 elections within the limits of the parliamentary constituency of Hoshangabad-Narsinghpur were the agents of the respondent. According to him, the respondent was declared elected by a majority of 22,310 votes and not by a majority of about 20,000 votes as alleged by the petitioner. According to the respondent, he was the only candidate who had applied for a Congress ticket from Hoshangabad parliamentary constituency and averment as to group rivalry amongst the aspirants of the candidature for a parliamentary seat had no basis. It was denied that either the Chief Minister, as the head of the Government, on 16th and 17th of February 1967 or at any other date got published a declaration at Narsinghpur and Piparia or at any other place with reference to the exemption from land-revenue of lands below 7.5 acres or paying land-revenue upto Rs. 5. It was also denied that any speeches were made either by the respondent or by the Chief Minister attributed to them. The petitioner's averments regarding the agency of D. P. Mishra for the respondent or the corrupt practice attributed to

either of them was denied. It was also denied that the respondent and Shri D. P. Mishra as his agent, made speeches at Narsinghpur and Piparia on 16th of February 1967 or on any other date regarding the increase of dearness allowance of ministerial employees of the State.

As regards the relief works started by the Government, the respondent's case is that he has nothing to do with the acts of the executive Government of the State. The Government did not undertake the relief works with the respondent's consent or at his instance. The scarcity conditions, according to the respondent, existing in several parts of the State justified the State Government to undertake relief works which had been started since 1965-66. They were continued in 1966-67.

The averments with regard to bribery in connection with the post-office at Singpur or the agency of Shri S. S. N. Mushran with reference to the respondent with reference to opening of a High School at Karapgaon or removal of restriction on the movement of Gulabi Chana were also denied. The respondent, it was said, had nothing to do with these matters.

With reference to the faked ballot papers that the alleged faked or dummy ballot papers such as Ex. P-4 had, in fact, been got printed and published by the District Congress Committee along with similar ballot papers for Gadarwara and Bohani Assembly constituencies. But these had not been published with the intention attributed by the petitioner. It was denied that the respondent or any of his agents represented to the electorate that the petitioner's symbol 'hut' no longer existed or that the petitioner had withdrawn his candidature. It was also denied that any such statements had been made by persons distributing such faked ballot papers at Gadarwara in the presence of the respondent. It was also denied that such distribution of the faked ballot papers, like Ex. P-4 had been made during 10 days before the date of polling. It was specifically denied that they were distributed at Narsinghpur on the 15th and at Gadarwara on the 16th in the presence of the respondent. The other details of the distribution were also denied.

As regards the assistance of the various Government officials, the respondent denied the averments pertaining to the same and particularly those referable to his brother M. S. Choudhary, his cousin D. S. Choudhary and to the various averments referable to the meeting of the Prime Minister, Mrs. Indira Gandhi and Shri D. P. Mishra as also to Balmakund Gupta, Naib-Tahsildar, Jabalpur and others. All the averments, it was said, regarding the corrupt practices attributed to the respondent or to his agents with his consent were not true. The respondent, therefore, sought the dismissal of the petition.

On these respective averments, the following issues were framed:—

1. Whether the candidates contesting on the Congress tickets with the symbol of 'two bullocks with yoke on' from the Gotegaon, Narsinghpur, Bohani, Gadarwara, Piparia, Denawa, Itarsi and Hoshangabad Legislative Assembly constituencies for the general election held in 1967 were the agents of the respondent who was a candidate on Congress ticket from the Hoshangabad Parliamentary constituency and *vice-versa*?
- 2 (a) Whether Pandit D. P. Mishra, who was the Chief Minister of Madhya Pradesh and leader of the Congress party prior to the last general election, was instrumental in selecting the respondent as a candidate from Hoshangabad Parliamentary constituency?
- (b) Whether Pandit D. P. Mishra was the agent of the respondent and he, with the consent of the respondent, got published a declaration and made speeches at Narsinghpur and Piparia to the effect that the agriculturists' holdings not exceeding 7.50 acres or paying rent upto Rs. 5' have been exempted from paying land-revenue?
- (c) Whether such exemption, in the circumstances in which it was declared and made, constituted a gratification to the agriculturists voters for inducing them to vote for a Congress candidate and as such amounted to a corrupt practice of bribery under Section 123(1)(A)(a) and (b) of the Representation of the People Act, 1951?
3. (a) Whether Pandit D. P. Mishra aforesaid, as the agent of the respondent and with his consent, declared on the 16th of February 1967 at Narsinghpur and Piparia that Class III and IV employees would be given dearness-allowance according to the rates sanctioned for the Central Government employees by the Central Government?
- (b) Whether such a declaration made by him amounted to gratification made by him with the object of inducing the voters who are class III

and IV employees of the Government to vote for the Congress candidate i.e., the respondent and whether it amounted to a corrupt practice of 'bribery' under section 123(1)(A)(a) and (b) of the Representation of the People Act, 1951?

4. Whether Pandit D. P. Mishra aforesaid as the agent of the respondent offered gratification of employment to the voters belonging to labour class, who were without employment, with a view to induce such voters to vote for the respondent. If so, whether it amounted to a corrupt practice of bribery under Section 123(1)(A)(a) and (b) of the Representation of the People Act, 1951?
5. (a) Whether Shri S. S. N. Mushran had been acting as the agent of the respondent throughout the election?
- (b) Whether he, as the agent of the respondent, on 11th February 1967, paid Rs. 200 to the office bearers of the Gram-Panchayat for clearing deficit of the post office with the consent of the respondent with a view to induce the voters who were the members of the Gram-Panchayat or otherwise to vote for the respondent and whether this amounted to a corrupt practice of bribery under Section 123(1)(A)(a) and (b) of the Representation of the People Act, 1951?
6. Whether the respondent accompanied by another Congress candidate from Bohani Legislative Constituency named Baboolal Jain went to Karagaon on 16th February 1967 and gave assurance to open a High School with the intention of inducing the voters of that place to vote for the respondent?
7. Whether the Congress Party was the agent of the respondent and in that capacity persuaded the Government to remove the ban on export outside the State of 'Gulabi Chana' in the period between 1st of February 1967 and 15th of February 1967 and whether on removal of such a ban persuaded the Government to issue permits to (i) Seth Bhojraj, (ii) Tulsiram Agrawal and (iii) Ramchandra Pethla of Kareli with the object of inducing them to vote for the respondent and whether this amounted to a corrupt practice of bribery under Section 123(1)(A)(a) and (b) of the Representation of the People Act, 1951?
8. Whether the respondent and his agents viz., Baboolal Jain, Munshi Harprasad, Harishankar Sthapak, Komalchand Akhepuria, Khubchand Khera and Tejram Kaurava stated before the voters on 15th of February 1967 at Narsinghpur and on 16th February 1967 at Gadarpura and Piparia that the petitioner had withdrawn his candidature and that his election symbol viz., 'Hut' no longer existed and that faked ballot papers purporting to be of the petitioner but without any symbol of 'hut' were distributed in their presence when they made such a statement and whether this amounted to a corrupt practice under Section 123(4) of the Representation of the People Act, 1951?
9. Whether the respondent and his brother Shri M. S. Choudhary, who is a gazetted officer, appealed to the voters of his caste, who had assembled on the 13th day of death ceremony of late Shri Daulatsingh Choudhary, to vote for the respondent on the ground that he was a candidate belonging to their caste and whether this act amounted to corrupt practice under section 123(3) of the Representation of the People Act, 1951?
10. Whether the Station House Officer, Sohagpur Shri Dewansingh Choudhary called Balram Patel and Rewatsingh Patel on the 16th and 17th of January 1967 at Sohagpur Police Station and asked them to vote and to induce others to vote for the respondent and whether he did so with the consent of the respondent and whether this amounted to a corrupt practice under Section 123(7) of the Representation of the People Act, 1951?
11. Whether local Congress Secretary, Shri Balkrishna Sharma asked the Sub-Divisional Officer P.W.D., Sub-Divisional Officer (Civil) and (Revenue) at Itarsi to work for the public meeting of Shrimati Indira Gandhi held on 25th January 1967 by constructing a rostrum for the meeting and thereby secure victory for the respondent and whether he did so with the consent of the respondent?

12. Whether the respondent along with the Sub-Divisional Officer (Civil) Narsinghpur and Tahsildar, Narsinghpur supervised the construction of a rostrum for the public meeting at Narsinghpur on 16th February 1967 and told them that the arrangement should be so made as to ensure maximum benefit for the election of the respondent from the visit of the Chief Minister?
13. Whether Naib Tahsildar Shri Balmakund Gupta took leave and did the propaganda work for the respondent as his agent with his consent and if so, whether this amounted to a corrupt practice under Section 123(7) of the Representation of the People Act, 1951?
14. Whether the corrupt practices alleged in the petition have materially affected the result of the election so far as the respondent is concerned and if so, is the election void?
15. Whether the petitioner has not complied with the provisions of Section 81(3) of the Representation of the People Act, 1951, in-as-much as no copy of the telegram, referred to in para 7(v) of the petition, has been filed for being supplied to the respondent? If so, whether the petition is not properly presented and ought to be dismissed?
16. Whether the petitioner, by not filing one copy of the alleged faked ballot-paper with the copy of the petition for being supplied to the respondent has violated the provision of Section 81(3) of the Representation of the People Act, 1951? If so, whether the petition is not properly presented and ought to be dismissed?

Issues No. 15 and 16 were heard as preliminary and my findings thereon were recorded by my order dated 20th of November 1967. It was held with reference to issue No. 15 that there was no non-compliance of Section 81(3) of the Representation of the People Act because of petitioner's failure to file copies of telegrams and that the petition was not liable to be dismissed on that account under Section 86(1) of the Representation of the People Act. With reference to issue No. 16, it was held that the petitioner by not supplying the copy of the faked ballot paper referred to at the commencement of para. 6 of the petition to the respondent has not violated Section 81(3) of the Representation of the People Act.

I shall now proceed to record my findings on issues from 1 to 14. Out of these issues, issue No. 4, 6 and 7 are not pressed on behalf of the petitioner. I also think that the materials are not sufficient on record to justify my interference in favour of the petitioner with reference to them. I would, therefore, not find it necessary to give reasoned findings with reference to these issues.

*Issue No. 2 (a).*—There is hardly any positive and direct evidence led by the petitioner to establish that Pandit D. P. Mishra was instrumental in selecting the respondent as a Congress candidate from Hoshangabad-Narsinghpur parliamentary constituency. This ground is based on the averment that at the time of selection of Congress candidates, there was a sharp cleavage of opinions between several internal groups in the Congress. No evidence is led to prove the existence of such internal groups and their rivalry so far as the selection of a candidate for the parliamentary constituency of Hoshangabad-Narsinghpur of Madhya Pradesh was concerned. Much wind is taken out of the sails as to this ground when it is not established that some other Congress candidate had asked for a ticket from this constituency but he was refused a ticket due to intervention of Shri D. P. Mishra in the Central Election Committee. This ground, therefore, is found against the petitioner.

*Issues No. 1, 2(b) and 3(a) and (b).*—All these issues can conveniently be considered together as they involve a common plank set up by the petitioner that Pandit D. P. Mishra acted as the agent of the respondent and he, with the respondent's consent, got published declarations and made speeches at Narsinghpur and Piparia on 16th February 1967 throwing out bait (i) to the agriculturist-voters holding land less than 7.50 acres or paying land revenue not exceeding Rs. 5 that such land would be made revenue free and (ii) to the Government employees of Class III and IV that they would get increased dearness allowance from 1st April 1967 according to rates sanctioned for Central Government employees by that Government.

Questions to be considered with reference to both these issues are :—

- (1) Whether Pandit D. P. Mishra did make declarations and speeches on 16th February 1967 at Narsinghpur and Piparia making the aforesaid

declaration of the Government actions with reference to exemption of small holdings from land revenue and to award of increased dearness allowance to Government employees of Class III and IV.

- (2) Whether, in doing so, he acted as the agent of the respondent with his consent.
- (3) Whether the respondent had accorded either an express or implied consent to Shri D. P. Mishra in making such declarations in support of his candidature.
- (4) Whether the declarations alleged amount to a corrupt practice of bribery under the circumstances in which they were made.

I shall first consider the first of the aforesaid four questions involved in the aforesaid issues. This question is one of fact.

The petitioner's evidence on this point consists of (i) Puranalal Tiwari (P.W. 5), (ii) Raghuraj Prasad (P.W. 6), (iii) Ramchandra Maheshwari (P.W. 7), (iv) Jagannathprasad (P.W. 29) and (v) the petitioner Shri H. V. Kamath (P.W. 36) himself. Puranalal Tiwari is a printer and owns a Printing Press at Itarsi. In this Press, 2500 copies of the pamphlet such as Ex. P-2 were printed. The original manuscript given for printing is produced at Ex. P-1. It purports to bear the signature of Shri Sheekishore Dixit. According to Puranalal Tiwari he handed over the copies of Ex. P-2 to Sheekishore Dixit who had signed the declaration form. This pamphlet was published under the signature of Sheekishore Dixit who claimed himself to be a voter of Mandal Hoshangabad. The pamphlet described the decision of the Madhya Pradesh Government of exempting land up to 7.5 acres from land revenue as being revolutionary and welcome. It further recites that behind this decision of the Government of Madhya Pradesh, there is undoubted opinion of the Government that a Bhumiswami with land up to 7.5 acres or paying land revenue up to Rs. 5 can hardly maintain himself or to make improvement of his land. He cannot also raise the status of his family and that consequently, it was not proper to recover land revenue from such farmers. This revolutionary decision, it is said, would benefit 60 per cent of the cultivators. The pamphlet further warned against a false propaganda in this connection that the exemption of such holding from land revenue would last only for one year and no takavi loan could be had on such land and that such land would become Government land. It expected from the agriculturists that they should not fall prey to such false propaganda and lastly, there is appeal to the voters to make the Congress successful (at the polls).

It is not clear from the evidence on record as to what connection is there between Sheekishore Dixit and either Shri D. P. Mishra or the respondent. P.W. 6 Raghuraj Prasad of Baskhedra, in his statement, says that he had attended the meeting at Piparia which had taken place four days prior to the date of polling. When he reached there, Shri D. P. Mishra had been addressing the meeting. In his speech, Shri D. P. Mishra had given out a slogan, 'Lagan Maaf, Jan Sangh Saaf'. After Mr. Mishra finished his speech, the witness left the meeting. In his cross-examination, the witness admitted that Shri Mishra, in his speech, had addressed the voters about what the Congress Government had achieved in the past and what they proposed to do in future in case they were returned to power.

P.W. 7 Ramchandra Maheshwari stated about the public meeting at Piparia on 16th February 1967 convened on behalf of the Congress Party. In this meeting, besides D. P. Mishra, other persons who were present included the respondent, S. S. N. Mushran, Ratan Kumari Devi and Tulsiram Katakwar. In the meeting, Shri D. P. Mishra, according to him, had stated about exemption of holdings of 7.50 acres and less from land revenue. As regards, the Slogan raised by Jan Sangh 'Lagan Maaf, Jamin Saaf' he suggested a modification 'Lagan Maaf, Virodhi Party Saaf'. He also emphasized in his speech, according to the witness, upon the salaries of Government employees and assured that their salaries would be brought in line with the Central Government employees. The witness mentioned the presence of the respondent in this meeting but he admittedly did not add anything to the speech made by D. P. Mishra. All that he said was that he had hardly anything to add after Shri D. P. Mishra's speech. In his cross-examination, the witness admitted that it was the programme of the Praja Socialist Party, to which he belonged, to free the un-economic holdings from land revenue. Un-economic holdings, according to him, would include holdings of small size. Other States in India who had taken up that programme included Orissa and Andhra Pradesh. As regards the Class III and IV employees of the Government, the witness admitted that they had been agitating for increased dearness allowance since long prior to the date of election and had actually given Strike notice to be

operative from one week prior to the date of polling. He admitted that for successful carrying out of election work, co-operation of Government employees of Class III and IV was indispensable.

P.W. 29 Jagannath Prasad stated that in the public meeting at Narsinghpur held on 16th February, 1967, Shri D. P. Mishra had stated that he had already got relief works opened, land revenue had also been remitted on land measuring less than 7 acres. At the close of the meeting, Shri Mishra raised a slogan 'Lagan Maaf, Sab Party Saaf'. In this meeting, according to him, Choudhary Nitiraj-singh was shown by Shri D. P. Mishra as the Congress candidate for the parliamentary constituency of Hoshangabad-Narsinghpur and that his contestant was Shri Kamath.

The petitioner, in his statement, did not speak about the alleged declarations. But he admitted that his Party was committed to the policy of freeing un-economic holdings from land revenue since last five years. According to him, one of the members of P.S.P., Shri Jannaprasad Mishra had actually introduced a resolution in the Madhya Pradesh Assembly for that purpose as far back as in 1964 but the same was opposed on behalf of the Congress members of the Assembly including the then Chief Minister, D. P. Mishra and the resolution had been lost. He also admitted that there was long standing demand on behalf of the Class III and IV employees of the State Government for increase of dearness allowance. The demand was rejected in December, 1966. Just on the eve of the election, these employees gave Strike notice to be operative from 12th or 13th of February, 1967. The Congress Government then, according to him, all of a sudden changed its stand and decided to give dearness allowance to them. The petitioner, in his statement, produced the notice issued by the Sangharsha Samiti of non-gazetted Government Servants dated 11th February, 1967, Ex. P-51 and the circular letter issued by the Finance Department to all departments of the Government, Ex. P-52 dated 11th May, 1967.

It is not disputed by the respondent that public meetings were held on the 16th at Narsinghpur and Piparia and he was present at those meetings. But he denied that he had made any speech at those meetings beyond a formal statement either of welcoming the main speaker or to the effect that he had nothing to say over and above what had been said.

Having regard to the aforesaid evidence, it seems fairly established that Pandit D. P. Mishra did visit Kandell, Narsinghpur and Piparia on the 16th and made speeches at those places. It is not disputed that prior to the date of the meeting i.e., 16th February, 1967, an ordinance had already been issued by the Governor exempting holdings of less than 7.5 acres or paying land-revenue not exceeding Rs. 5 from land revenue. It was issued late in December or early part of January. There is no evidence worth the name to the effect that Shri Mishra had, in his address at those meetings, said that the ordinance regarding exempting un-economic holdings from land revenue would become an Act of the legislature of the State only if the Congress was returned to power. A bare reference of what has been done during the Congress regime or future programme or commitments of the Party cannot be regarded as offer of any bribe or bait to induce the voters to vote for the Congress Party.

As regards class III and Class IV employees of the Government, their agitation for a dearness allowance at par with the Central Government employees, was going on since long. It appears from Ex. P-51 that they had given notice of striking work from 13th February, 1967, in case their demands were not conceded. The general elections were approaching and for their successful carrying out, the co-operation of these Class III and IV employees was indispensable and without them the whole of the election programme would have come to a stand still. In these circumstances, the demand which was not un-reasonable had been conceded by the then Government to prevent the election work from collapsing. It cannot be said that it was a bribe or an offer of gratification to induce the voters to vote for the Congress.

It is not the case of the petitioner that Pandit D. P. Mishra was an agent of the respondent by any direct appointment as such by the respondent. Evidence is hardly worth mentioning for establishing that he, by his acts and conduct, could well be taken to be his agent. His going to Narsinghpur or Piparia or elsewhere to address public meeting in connection with the general elections which were approaching cannot be regarded as sufficient to prove his agency of the respondent. It is suggested on behalf of the petitioner that the respondent had set up no independent machinery to connection with his election at various places in his constituency and must have depended entirely upon the support



of the party candidates to the Assembly or of the men of the Congress Party working there. The whole Congress Party in that sense, it is said, had become the agent of the respondent and Pandit Mishra, as a prominent member of the Party, was consequently an agent. The contention in that form was not put up. But even assuming that to be the case, there is nothing to establish that he had acted in the commission of the alleged corrupt practice with the consent of the respondent.

As regards the publication of the declarations such as Ex. P-2, there is no evidence except that of Puranlal Tiwari about the publication of the pamphlet, Ex. P-2. The evidence on record is not sufficient to establish that Sheekishore Dixit had been prompted by D. P. Mishra to issue it and he did so either on behalf of the Party or at the dictates of Shri D. P. Mishra. There is also no evidence that for such publication the respondent had accorded his consent. Moreover, as already seen, neither the speeches of D. P. Mishra nor the slogans raised by him about which there is some difference can really be considered to be objectionable nor can they be regarded as amounting offer of bait or bribe to the electors.

While dealing with the question of consent a point was raised on behalf of the petitioner: whether consent contemplated under Section 100(b) involves double consent of the respondent viz., first consent to the agent acting as such and the second consent for the particular corrupt practice attributed to the agent. It is said that once the agency of the political party is established, consent of the respondent for acting by the party organisation as a whole and by members of the Party in particular, can fairly be presumed. If then this is presumed, it is said, further proof by the petitioner for the particular corrupt practice is not required. On a fair reading of Section 100(1)(b) and 100(2), it is said, once the agency of a person or body is established, there would be presumption that the said person or party had committed an act held established with the consent of the successful candidate of the party and burden would shift on to such candidate that he had given specific instructions to the agent concerned not to commit that corrupt practice and had not accorded his consent. In short, it is contended that in the case of an agent, it is enough to establish agency. Under the circumstances consent to such agency is established, then it is for the candidate concerned to prove that as indicated above.

In order to appreciate the above contentions, it would be necessary to examine the material provisions having bearing on this question in light of authorities particularly of this Court. These material provisions are Sections 99(2), 100(1)(b) and (d), 100(2) and Section 123, explanation I at the foot of Section 123.

Section 99(2). In this Section and Section 100, the expression 'agent' has the same meaning as in Section 123.

Section 100(1). Subject to the provisions of sub-section (2) if High Court is of opinion—

(b) that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent; or

(d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected—

(ii) by any corrupt practice committed in the interests of the returned candidate by an agent other than his election agent, the High Court shall declare the election of the returned candidate to be void.

Section 100(2). The High Court may decide that the election of the returned candidate is not void if in its opinion, a returned candidate has been guilty by an agent, other than his election agent, of any corrupt practice but it is satisfied—

(a) that no such corrupt practice was committed at the election by the candidate or his election agent, and every such corrupt practice was committed contrary to the orders, and without the consent of the candidate or his election agent.

Section 123 Explanation (1). In the section the expression 'agent' includes an election agent, a polling agent any person who is held to have acted as an agent in connection with the election with the consent of the candidate.

It is clear by reference to sub-section (2) of Section 99 that the expression 'agent' is used in the same sense in Section 99, 100 and 123 as explained in the explanation (1) at the foot of Section 123. It includes an election agent, a polling agent and any person who is held to have acted as an agent with the consent of the candidate. The consent need not be express but could be implied and is liable to be inferred from the surrounding circumstances and conduct of the candidate and the person acting for the candidate.

Now bearing this meaning of the term 'agent' we shall proceed to consider the grounds for declaring an election to be void as provided in Section 100.

Section 100(1) consists of four parts. Parts (a), (b) and (c) relate to grounds on the existence of which the election of a candidate has to be declared void irrespective of the fact whether the result of the election was materially affected due to its existence or otherwise. Part (d), however, deals with the grounds which require for declaring the election void that the result of the election, so far as the returned candidate is concerned, should be materially affected.

Part (b) of Section 100(1) deals with the corrupt practice committed either by the returned candidate himself or his election agent or by any other person with the consent of the returned candidate. In each of such cases, the election has to be declared void. It seems from this that for the purpose of this part, commission of corrupt practice either by the returned candidate or his election agent is placed on the same footing and where this is proved, nothing further is needed for declaring the election void. But where a corrupt practice is committed by any person other than the aforesaid two persons i.e., the candidate himself or his election agent, it is further required that the corrupt practice should have been committed with the consent of at least either of them.

The explanation clause in Section 123 regarding the meaning of the expression 'agent' indicates that for constituting a person an agent of the returned candidate except in the cases of election and polling agent, it is necessary that such person should have acted as such with his consent.

Thus, reading Section 100(b) with the explanation clause with reference to the expression 'agent' it seems that where a corrupt practice is attributed to an agent other than an election or polling agent, in order that the election can be held void due to it, such person should, in the first place, have acted in connection with the election with the consent of the candidate and in the second place, the particular corrupt practice should have been proved to have been committed by such person with the consent of either of the returned candidate or his election agent. Where the corrupt practice is attributed to a polling agent, such consent for acting in connection with the election need not be separately established as it is self evident, that he acts in connection with election with his consent. In his case, candidate's consent with reference to the particular corrupt practice committed by the polling-agent is enough. Such consent need not always be express. It could be implied and can be proved by surrounding circumstances including acts and conduct of the persons concerned.

Next question to be considered is whether this view as to the meaning and scope of Section 100(b) is liable to be modified by anything contained in Section 100(2) (a). The reading of this section indicates that where an agent other than an election agent commits a corrupt practice but the returned candidate satisfies the High Court that he had committed such practice contrary to his order or without his consent or that of his election agent then the election need not be declared void.

Does this mean that in the case of an agent other than an election agent there would be a presumption that it had been committed with the consent of the returned candidate? If such a meaning is assumed, we will have to read with expression 'any other person' in Section 100(b) as excluding an agent other than an election agent. This would be inconsistent with that Section and Section 123, explanation I defining the term 'agent'. The provisions in Section 100(1) (b) and 100(2) would in this respect make a consistent reading if Section 100(2) with reference to an agent other than an election agent is confined to Section 100(1) (d). It will mean that where it is shown by a petitioner that a corrupt practice is committed by an agent and as a result of commission of such corrupt practice, the result of the election is materially affected, the successful candidate can yet have his election declared void in case he establishes that the agent concerned had acted contrary to his instructions and without his consent. Thus, it is clear that the aforesaid view as to the meaning and scope of Section 100(1) (b) need not be modified by any thing contained in Section 100(2) (a). Such reading of Section

100(1)(b), 100(2)(a) and Section 123, explanation (1) finds support from the decisions of Rajasthan High Court in XVI Election Law Reports, 103 Sheopat Singh V. Harish Chandra, and of this Court in XX Election Law Reports 275, Sarla Devi Pathak V. Birendra Singh and others. In the last mentioned case, it was observed by the Division Bench in para 50 of the Report:—

"It may be noted that though the acts specified in section 123 of the Act shall be deemed to be corrupt practices when done by any person, whether a candidate, his agent or by any other person unconnected with the candidate, section 100(1)(b) provides that the election of a returned candidate can be declared to be void if any corrupt practice is committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent. In the definition of 'agent' in Explanation (1) to section 123(7) of the Act, the expression 'agent' includes an election agent, a polling agent and any person who is held to have acted as an agent in connection with the election with the consent of the candidate. It would be observed that if a person is not an election agent, or a polling agent, then acting with the consent of the candidate, has been made a necessary ingredient to constitute him an agent of the candidate. But, apart from this, if the election of the appellant is to be avoided her consent, or the consent of her election agent would have to be established in order to fix her with the liability for the corrupt practice committed by persons other than her election agent. Consent is a question of fact in every case. It may be expressed or implied. It may be inferred from the acts and conduct of the returned candidate or from other facts and circumstances established in the case. But the mere fact that the acts of other persons helped and supported the election campaign of the returned candidate would not be enough. Even non-interference with the activities of persons who may be acting in support of his canvass will not, without something more, be sufficient to saddle the returned candidate with the liability for the corrupt practices connected by them."

The aforesaid observations of the Division Bench make it clear that it is for the petitioner who wishes to avoid the election on the basis of a corrupt practice committed by an agent other than an election or a polling agent, to prove in the first place that such person has acted with the consent of the successful candidate whose election is to be avoided and in the second place to prove that particular corrupt practice attributed to the agent was committed with his consent. Such consent, of course, need not be expressed. It could be implied and can be established with aid of surrounding circumstances including the acts and conduct of the persons concerned. Having regard to this view of the legal position, the contention raised on behalf of the petitioner is untenable. Issues No. 2(b) and 3(a) and (b) are consequently found against the petitioner.

*Issue No. 4(a) and (b).*—This issue is not pressed on behalf of the petitioner.

*Issue No. 5(a) and (b).*—The petitioner's case on this issue is that Shri S. S. N. Mushran had been acting as the agent of the respondent throughout the period of election and that in that capacity and with a view to augment the respondent's chances of election, he paid Rs. 200 for continuance of the post-office at Singhpur which the postal authorities had been thinking of closing down as uneconomic and thereby induced the villagers to vote for the respondent. The respondent has denied the averment. To prove the facts involved in the petitioner's averment with reference to this issue, three witnesses were examined on his behalf. They are P.W. 16 Nanhobir, P.W. 17 Bakshi and P.W. 18 Pannalal.

According to Nanhobir, who is the Up-Sarpanch of the Gram Panchayat at Singhpur, the post-office had existed in his village since last 8 or 10 years but about a year and a half before there was a move to abolish it as being uneconomic. The postmaster, Onkarprasad had suggested to the Gram Panchayat that if they wanted the post-office to continue the Panches and the residents of Singhpur should subsidise it. Thereupon, according to the witness, Ramaji Sarpanch, Gram Panchayat, gave Rs. 200 from his pocket. This took place about 8 or 10 days before the date of polling. The witness denied that the amount had been withdrawn from the Panchayat fund lying in deposit in Siregaon for subsidising the post-office till the date of polling. In his cross-examination, he stated that a meeting of the Gram Panchayat had taken place about 2 months before the date of polling to consider the question of continuance of the post-office at Singhpur and that in that meeting there was a proposal to spend money from the Gram Panchayat fund for subsidising the post-office. The Sarpanch Ramaji then told that the money would not be spent from the Panchayat fund. In the second

meeting of the Gram Panchayat held about 8 or 10 days before the date of polling, it was decided to spend Rs. 200 for that purpose out of the Panchayat fund. This was done, according to him, because villagers were insisting upon the continuance of the post-office. He admitted that in the preceding year deficit was found by the postal authorities to the extent of Rs. 234. The Resolution of the Gram Panchayat about such spending and the proceedings of the meeting dated 11th February 1967 were as indicated in the certified copy of the Register of Gram Panchayat, Ex. D-2. Rupees 200 were paid to the post-master and a receipt was obtained from him and this was counter-signed by him.

P.W. 17 Bakshi is another member of the Gram Panchayat. He also spoke about the meeting of the Gram Panchayat to consider the question of continuance of the post-office at Singhpur. It had taken place, according to him, about 2 months before the date of polling. In that meeting, Sarpanch Ramaji had said that Government fund received by Gram Panchayat for its activities could not be spent for subsidising the post-office. On this statement of Sarpanch, sanction was not made. But about 8 or 10 days before the date of polling, money was paid by the Sarpanch for that purpose. A meeting had taken place subsequent to such payment for sanctioning the amount paid by the Sarpanch. This meeting was not attended by this witness although he admitted that he had information about the proceedings of that meeting. After the second meeting, he was asked to sign the proceedings but he refused to do so because of inconsistency in the attitude of the Sarpanch Ramaji on that point. The witness denied knowledge as to whether the amount was spent out of Gram Panchayat fund or otherwise. He stated that about a fortnight prior to the date of polling Shri Mushran, Nitiraj Babu and Tahkur of Piparia had come. Sarpanch Ramaji was also there. They all had met the villagers under a Pipal tree. There villagers had then asked the Sarpanch to do something about the post-office. Shri Mushran had then promised to do something for the difficulty of the villagers.

The third witness upon the point is P.W. 18 Pannalal, School-Master at Siregaon who was entrusted with the work of post-office there. According to him, Rs. 200 were not found to be debited in the Savings Bank Account of the Gram Panchayat, Singhpur in 1966-67 or 1967-68.

As against this evidence, the respondent has examined D.W. 9 Dwarkaprasad, Gram Sahayak, Singhpur. According to him, a copy of the letter had been received by the Gram Panchayat, Ex. D-15, dated 3rd February 1967 asking the Officer-in-charge of the post-office to call upon the Gram Panchayat to deposit Rs. 234.60 P. which was the amount of loss incurred by the postal department in continuing the post-office at Singhpur in case they wanted the post-office to continue for a period of one year from 26th February 1967 to 26th February 1968 and to warn that in case the amount was not deposited the post-office would be abolished from 26th February 1967 and further directing the officer concerned to close down the post-office by that date in case the amount was not deposited.

The witness (D.W. 9 Dwarkaprasad) further stated that on receipt of this letter a meeting of the Gram Panchayat was convened on 11th February 1967 to consider the matter and a resolution was passed in that meeting that the amount of loss incurred by the post-office of Rs. 234.60 P. in continuing the post-office in their village might be paid from the Panchayat fund and that in case, there was any objection raised for spending this amount thus, all the member of the Gram Panchayat would be jointly responsible for the same and Sarpanch would not be individually liable. This was Ex. D-2. The resolution was signed by Nanhebir, Up-Sarpanch as well. Thereafter, money as paid, according to him, from the Panchayat fund to the post-office under receipt Ex. D-16 dated 11th February 1967. The receipt indicated that the amount was paid in the presence of several Panches who had put their signatures upon it and this included Nanhebir. The account register of the Gram Panchayat showed the debit of Rs. 200 to Gram Panchayat fund, Ex. D-17.

Having regard to this evidence, it is clear that the petitioner's case that it was S. S. N. Mushran who paid Rs. 200 personally acting as the agent of the respondent to induce the voters of Singhpur to vote for the respondent and that too with his consent is not made out at all. The evidence shows beyond doubt that the postal department was unwilling to continue the post-office at Singhpur which had been running at a loss. They wanted the villagers or the Gram Panchayat to subsidise the Post-office in case they wanted the post-office to continue for a year beyond 26th February 1967. The Gram Panchayat, which was earlier unwilling to spend anything from the Panchayat fund decided to pay Rs. 200 from the Panchayat fund and all jointly undertook to bear any loss in

case a valid objection was raised by the Government for such spending. The suggestion made in the statements of P.W. 16 Nanhebir and P.W. 17 Bakshi that the money was paid personally by Ramaji is totally false. The evidence, moreover, in no way connects S. S. N. Mushran with this payment. Nanhebir, who was the Up-Sarpanch of the Gram Panchayat, has actually countersigned the receipt regarding payment to the post-office under resolution of the Gram Panchayat which too was signed by him. The second witness P.W. 17 Bakshi was not at all present in the second meeting dated 11th February 1967 in which the resolution was passed by the Panchayat sanctioning the payment of Rs. 200. Thus, this issue No. 5 is found against the petitioner.

As already stated, issues No. 6 and 7 are not present on behalf of the petitioner. There is practically no reliable evidence to prove that the respondent accompanied Babulal Jain, a Congress candidate from Bohani Legislative Assembly constituency, had been to Karapgaon to induce the voters to vote for the Congress candidates viz. the respondent and Babulal Jain by assuring them to secure opening of a High School there. Babulal Jain has denied the averments on oath as also the respondent. There is also no reliable evidence to establish that the Congress Party, as the agent of the respondent, persuaded the then Congress Government to remove the ban on the export of Gulabi Chana for a short period from 1st February 1967 to 15th February 1967 and that on such removal of the ban, permits were secured to Seth Bhojraj, Tulsiram Agrawal and Ramchandra Pethia of Kareli to induce them to vote for the respondent. The respondent has denied these averments on oath. These issues No. 6 and 7 are consequently found against the petitioner.

**Issue No. 8.**—This is one of the hotly contested issues. The averments of the petitioner with reference to this issue are firstly, that the respondent and his agents Babulal Jain, Munshi Harprasad, Harishankar Sthapak, Khubchand Khera, Komalchand Akhepuria and Tejram Kaurava stated before the voters on 15th February 1967 at Narsinghpur and on 16th February 1967 at Gadawara and Piparia that Shri Hari Vishnu Kamath had withdrawn his candidature and that his election symbol namely, 'Hut' no longer existed and secondly, that faked ballot papers such as Ex. P-4 were distributed by them which failed to indicate 'but' as against the name of the petitioner to give a false impression that he had withdrawn from the election contest. The respondent admitted in his pleading that fake or dummy ballot papers such as Ex. P-4 had, in fact, been got printed and published by the District Congress Committee. But he denied that either he or any of his agents had represented to the electorate that the petitioner's symbol no longer existed or that he had withdrawn from the contest, at any of the places and on any of the dates mentioned by the petitioner or during the period of 10 days prior to the date of polling. The respondent's presence at the time of alleged distribution either at Narsinghpur or Gadawara was also denied. Witnesses relied upon on behalf of the petitioner on this issue are P.W. 6 Raghurajsingh, P.W. 7 Ramchandra Maheshwari, P.W. 10 Dewabai, P.W. 23 Devicharan P.W. 25 Gurcharan Gupta, P.W. 27 Brijmohandas, P.W. 29 Jagannath-prasad, P.W. 30 Harprasad Barela, P.W. 31 Takhatsingh and P.W. 32 Ganeshprasad.

According to P.W. 6 Raghurajsingh, 'Nakali Matpatra' (faked ballot paper) such as Ex. P-4 had been distributed at Piparia and several other villages. Komalsingh Akhepuria, according to him, then had said that 'Shri Kamath no longer need be considered' and that only thing to be borne in mind was to vote for the Congress having the symbol of a pair of bullocks. Komalsingh then according to the witness, did not tell them why blank space was left against the name of Hari Vishnu Kamath in Ex. P-4 and that consequently, he carried the impression that Shri Kamath had not been standing for the election. The witness admitted in his cross-examination that he was fully aware of the fact that Shri Kamath had stood for the election and had not withdrawn. According to him, he had come at the meeting at Piparia addressed by Shri D. P. Mishra when he had started his speech and left the meeting on completion of his speech. Other evidence to which reference hereafter will be made indicated that distribution of faked ballot papers had taken place at the close of the meeting at Piparia and while the voters were leaving. That evidence would suggest that Raghurajsingh could not have been present then. Moreover, even according to his statement Komalsingh Akhepuria had merely said that Shri Kamath need no longer be considered. He had not stated that Shri Kamath had withdrawn or that his symbol namely 'but' no longer existed. It was the idea of the witness himself that probably he was not standing for the election. But even as to this alleged impression of his, the witness is not firm, because in his cross-examination he admitted that he was fully aware of the fact that Shri Kamath was standing at the election and had not withdrawn.

P.W. 7 Ramachandra Maheshwari stated in para 6 of his statement that about 10 days before the date of polling faked ballot papers such as Ex. P-4 were distributed in the town of Piparia. They were distributed continuously, according to him, till the date of polling. Workers including Harprasad Barela and others, he said, had come and complained to him that erroneous and false propaganda was being made on the basis of these faked ballot papers. It seems from the above statement of the witness that his knowledge about the distribution of faked ballot papers such as Ex. P-4 in the town of Piparia during the period of 10 days next before the date of polling is derived from the complaints he had received from his workers Harprasad Barela and others. Besides Harprasad (P.W. 30), name of other workers was not disclosed by this witness nor was any examined.

Harprasad (P.W. 30), in his statement, said that while he had been to Itwaria Bazar in the town of Piparia about four days prior to the date of polling, he found Komalsingh Akhepuria distributing faked ballot papers such as Ex. P-4 and P-6 and telling the rural population visiting the bazar that Shri Kamath had withdrawn (Baith Gaye) and that there was nobody on behalf of P.S.P. He found fault with him for distributing such faked ballot papers and making such untrue assertions. When he spoke that way, according to him, Komalsingh left the place and went over a distance of 20 or 25 paces. He then did not thereafter hear what he said. The witness admitted that he is a member of P.S.P. for the last 3 or 4 years and had worked on behalf of the party. He admitted that he made propaganda in the town of Piparia for about a fortnight till 17th February 1967 i.e. three days before the date of polling. There were besides him other workers of P.S.P. who carried on propaganda with the aid of loud-speakers. They did so for a fortnight upto 17th February 1967. When asked to name a person whom Komalsingh Akhepuria had been telling in Itwaria that Shri Kamath had withdrawn four days before the date of polling, he could not do so. It may be recalled that on the 16th, there was public meeting addressed by D. P. Mishra in which he had mentioned Shri Kamath as the candidate of P.S.P. opposing the Congress candidate Choudhry Nitiraj Singh. Having regard to these circumstances as to continued propaganda on behalf of the petitioner till 17th, it is highly improbable that Komalsingh would say to the voters on the 16th that Shri Kamath had withdrawn. I am, therefore, not inclined to place reliance upon what Harprasad had stated about Komalsingh Akhepuria. Since Ramchandra Maheshwari's statement is based on what this witness complained to him and he has not named any other worker complaining to him, his statement is hardly helpful to the petitioner.

We shall next consider the statement of P.W. 10 Dewabai. She is a Sarpanch of Gram Panchayat, Delwada. According to her, during the general elections of 1967 the respondent and an Assembly candidate Raten Kumari Devi had met her at Bankhedl. After the respondent was introduced to the witness by Ratankumari Devi as the Congress candidate for the parliamentary constituency, the former (i.e. Dewabai) asked the respondent whether Shri Kamath was also standing. Thereupon, the respondent answered, 'No, he is not standing, 'His cottage is blown up (Unkl Jhopadi Ud Gayi)'. At that time, according to the witness, she was given a paper containing the statement that the land revenue of cultivators had been remitted. That paper, according to her, was different from Ex. P-6. At the time of handing over to her Ex. P-6 by the respondent, he was alleged to have said to her that she was to put her seal on the pair of bullocks and on nothing else and further that if Shri Kamath had been standing, his symbol would have appeared on Ex. P-6. But since it is not there, he was not standing. The witness admitted that she was aware of the fact that if there was a single candidate in the field, there is no occasion for voting and yet, she did not ask the respondent why it was necessary to vote if he alone was a candidate, Kamath having withdrawn. Shri disclaimed knowledge as to whether propaganda on behalf of Shri Kamath had continued after her talk as described above. She admitted that on 18th February 1967, she had seen symbol of cottage pasted on the walls in her village. The witness asserted that she was a congress worker.

It is suprising that the witness claiming herself to be a Congress candidate, should have come at a witness against the Party, about the Congress candidate having misrepresented that Shri Kamath had withdrawn. The witness appears to be not reliable. Her evidence about the respondent having stated to her about the withdrawal of candidature of Shri Kamath is un-natural and unworthy of belief. The witness does not give the date on which this talk place but admitted that she had noticed the symbol of cottage (P.S.P.) on the walls of her village house till 18th February 1967. It cannot be believed that the respondent who is an Advocate of some standing on being put a direct question as to whether

Shri Kamath was also standing, could have answered in the negative, particularly when propaganda on behalf of Shri Kamath was continuing with the aid of loud-speaker. I would reject the evidence of this witness as un-believable.

P.W. 23 Devicharan is a worker on behalf of P.S.P. According to him, faked ballot papers were distributed in Itwaria bazar of Narsinghpur such as Ex. P-4 and P-6 Khubchand Khera. He saw him doing so at the close of the public meeting at Narsinghpur on 16th February 1967. He was asked by Shri Kamath by a trunk call message on the 17th of February 1967 to collect some of the faked ballot papers distributed on behalf of the respondent. Thereupon, he asked one Tikaram to go to the Congress office and secure certain ballot papers such as Ex. P-4 and P-6. Tikaram accordingly went there and brought some. The same night Shri Kamath addressed a meeting in which this fact about the distribution of faked ballot papers was referred by him. According to him, propaganda on behalf of Shri Kamath had taken place with the aid of loud-speakers upto 18th when it was stopped. The witness admitted that he was the polling agent of Shri Kamath. He admitted that pamphlets, which were cyclostyled, were distributed on behalf of P.S.P. which contained the symbol of cottage and on symbol of pair of bullocks. According to him, he had seen faked ballot papers such as Ex. P-4 and P-6 being distributed only on 12th and 19th of February 1967 and on no other day.

The witness speaks of distributed of Ex. P-4 by Khubchand Khera on the 16th after the close of the meeting and also on 12th and 19th in Itwaria where he had been after closing his shop. The witness was a polling agent of Shri Kamath. His testimony is interested. It is highly unlikely that propaganda as to distribution had gone on 19th by which date it was to stop. The faked ballot papers, 25 or 30 in number, which he alleged to have secured from the Congress office and given to Shri Kamath were not produced. Moreover, they were not secured from those to whom they had been distributed.

P.W. 25 Gurucharan Gupta is another worker of P.S.P. at Narsinghpur. He is an Income-tax practitioner. According to him, Harishankar Sthapak while distributing 'Nakali Matpatra' such as Ex. P-4 had been explaining to the voters that against the name of the respondent, there was the symbol of pair of bullocks but as against that of Shri Kamath, there was none. According to him, voters had actually asked Harishankar as to why his symbol was not shown against his name. Thereupon, Harishankar said to him that he should mind his own business. The witness protested for what Sthapak was doing. This put Harishankar in temper. He spoke in loud tone collecting 100 or 150 persons around them including Nemichand, Swadeshchand and Tarachand. The witness also spoke about distribution of Ex. P-4 on the 16th after the close of the meeting by Khubchand and Harishankar. According to him, each party was asking the voters to put the seal against its symbol.

P.W. 27 Brijmohandas is a Joint Secretary of Praja Socialist Party. He says he had seen Komalchand Akhepuria distributing faked ballot papers such as Ex. P-4 in Mangalwaria bazar of the town of Piparia. But he does not say when.

P.W. 20 Jagannathprasad stated that after the meeting was over on 16th at Narsinghpur, Khubchand, Harprasad and Narayanprasad distributed faked ballot papers such as Ex. P-4. At the time of such distribution, they had been saying that 'Taparia' (cottage) of Shri Kamath had ceased to exist and that only the pair of bullocks and survived. The witness, in his cross-examination, admitted that Shri Mishra, in his speech, had pointed out the respondent as a Congress candidate and contestant of Shri Kamath. If this was so publicly stated by Shri D. P. Mishra, it is hardly likely that Khubchand Khera and others would say that Shri Kamath's symbol had ceased to exist.

Evidence of P.W. 30 Harprasad Barela is already considered above and rejected.

P.W. 31 Takhatsingh says that when he had gone to Gadarwara about 15 or 20 days prior to the date of polling, he was asked by Shri Sthapak to work for the Congress. The witness had worked for P.S.P. for several years past including the elections of 1957 and 1962. He told Sthapak that he would consult his colleagues. He was then asked by Harishankar Sthapak to carry certain posters to his village as also some faked ballot papers such as Ex. P-4 and P-6. He took them and went away to sell his goods. The witness was a ferry contractor whose contract had been cancelled. He had deposited Rs. 10,000/- only a few days

before he was examined to secure the renewal of his contract. Sub Divisional Officer P.W.D. had given him to understand that his ferry contract would be renewed.

The evidence of this witness is unnatural. He has worked throughout on behalf of P.S.P. except perhaps in the present election when, according to him, he worked for Kishorilal Paliwal who stood as a Swatantra candidate. It is highly unlikely that Harishankar Sthapak, a Congress worker, would ask such a man to work for the Congress and would entrust him with publicity material even before he had assented to work for the Congress Party. It is equally unlikely that such a person as the witness would agree to carry publicity material for the Congress even before he had consulted his colleagues and given his assent to work for the new Party. On the whole, the witness' evidence is hardly worth anything.

As against this evidence, the respondent, in his evidence, has denied that he had given his consent to distribute faked ballot papers such as Ex. P-4. According to him, he had seen ballot papers such as Ex. P-4 on or about 26th January 1967 at Gadarwada. Before that he had been to district Congress office at Itarsi where he had been shown dummy ballot papers such as Ex. D-1. He then asked Hariprasad to send some of such ballot papers to Narsinghpur area. At Gadarwada, he was shown ballot papers like Ex. P-4 by Harishankar as being meant for propaganda purposes. He then, according to him, asked Harishankar as to why such ballot papers had been printed. Harishankar told him that they had been printed in consultation with and under the advice of District Congress Committee. Their thinking, according to him, was that if both the symbols were printed, such dummy ballot papers would be used by other parties as well involving unnecessary expense. He then told Harishankar that they should not be so narrow minded and that even at the risk of they being used by the opposing parties, he would secure printing of ballot papers such as Ex. D-1 and have them sent. He then got dummy ballot papers such Ex. D-1 from Sunil Press at Narsinghpur. He denied that he had asked Harishankar Sthapak, Khubchand Khara, Munshi Harprasad, Narayanprasad Gupta, Komalsingh Akhepuria or any other worker to distribute such faked ballot papers. He had also not asked them to make a propaganda that Shri Kamath was no longer standing as a candidate for parliament. According to him, during the entire election period, he had always told the voters that there were only two candidates viz. himself and Shri Kamath for the parliamentary constituency of Narsinghpur-Hoshangabad. He denied to have known Dewabai or to have told anything of the sort deposed to by her about Shri Kamath.

Munshi Harprasad (R.W. 2) examined by him stated that he had worked as a clerk to Choudhary Doulatsingh. He had worked during the election for the respondent but denied that after D. P. Mishra's meeting at Narsinghpur, he had distributed faked ballot papers such as Ex. P-4. According to him, he was not at Narsinghpur on that day. According to him, he had shown ballot papers to the voters like, Ex. D-1 to educate them how to vote.

R.W. 3 Narayanprasad Gupta also stated that he had used ballot papers such as Ex. D-1 and not like Ex. P-4. He denied that he or Khubchand Khara had distributed faked ballot papers such as Ex. P-4. R.W. 4 Babulal Jain, who was a Congress candidate from Bohani, stated that he had no occasion to use ballot papers such as Ex. P-4 during the election period. R.W. 11 Komalsingh Akhepuria also denied that he had distributed ballot papers such as Ex. P-4. According to him, he had used ballot papers such as Ex. D-1. They were received by him from Itarsi. He denied that he had distributed ballot papers such as Ex. P-4 after the public meeting addressed by D. P. Mishra. R.W. 13 Harishankar Sthapak supported the respondent about the ballot papers Ex. P-4 and Ex. D-1. He denied distribution of ballot papers such as Ex. P-4. He denied the incident narrated by Gurucharan.

Having regard to this evidence, it seems that ballot papers of the sort Ex. P-4 and Ex. D-1 were got printed. Both of them must have been distributed. But the story about the distribution of ballot papers such as Ex. P-4 at the close of the public meetings addressed by Shri D. P. Mishra either at Narsinghpur or Piparia and about any of the workers of the Congress Party or the respondent having told the voters that Shri Kamath was no longer standing and that he need not be considered since he had withdrawn or that his 'hut' (symbol) had blown up, does not appear to be true. It is unlikely that with persistent propaganda with



the aid of loud-speakers on behalf of Shri Kamath at least upto 18th February 1967, any such statement would either be made or believed. In fact, it is admitted by P.W. 29 Jagannathprasad that Shri D. P. Mishra, in his speech, had pointed out Choudhary Nitirajsingh as the contestant of Shri Kamath. I am, therefore, not inclined to believe the alleged distribution at the close of the meetings or earlier by any of the persons alleged such as Harishankar Sthapak, Komalsingh Akhepuria, Narayanprasad, Khubchand Khera and others. It does appear that in January 1967, sometime near about 24th and 26th of January 1967, some ballot papers such as Ex. P-4 were distributed. But their distribution also cannot be said to have taken place with the consent of the respondent. There does not appear to be any evidence to such consent. Nor is there any evidence of his consent to the alleged propaganda that Shri Kamath had withdrawn, that he was no longer there or that his 'hut' had blown up. All these expressions appear to be the product of imagination.

Examining the contents of Ex. P-4, if is, no doubt, true that as against the name of Shri Kamath the symbol of 'hut' is not shown. But that could not, by itself, be construed to mean that Shri Kamath had withdrawn, or that he was not in the contest. Although such faked ballot papers were strictly not in accordance with the instructions of the Election Commissioner yet, they cannot be said to involve false suggestion or suppression of truth.

For these reasons, issue No. 8 is also found against the petitioner.

**Issue No. 9.**—This issue relates to the petitioner's averment that Shri M. S. Choudhary, who was the Chief Election Officer in Madhya Pradesh and the brother of the respondent had appealed to the voters of their caste who had assembled at the 13th day death-ceremony of their father Choudhary Daulatsingh to vote for the respondent on the ground that he belonged to their caste.

This averment is denied by the respondent. Both he and Shri M. S. Choudhary, in their statements on oath, stoutly denied the allegation and said that such a thing was un-thinkable at the time of 13th day death-ceremony of their father.

Only person examined on behalf of the petitioner on this point is one Mataroolal (P.W. 24). According to this witness, he knew the respondent for the last 20 years. He used to purchase grain on being asked to do so from time to time by the father of the respondent. This was done for about 10 or 15 years. On this account, he claimed intimacy with the family of the respondent. He claimed to have attended the 13th day ceremony following the death of Choudhary Daulatsingh. This ceremony, according to him, was attended by the people of their caste as also by certain Government officials. All these persons were sitting in a room, in a corner of which he also sat. On that occasion, Choudhary Marutajsingh, brother of the respondent, got up and said to the assembly that 'Bada Bhaiyya' (i.e. the respondent) was standing as a candidate for the parliamentary seat and that all of them should make him successful (probably by voting and working for him). Marutajsingh, according to him, further said that he would see as to the rest (Age Mai Dekh Lunga). The witness understood by this phrase to mean that if there was any deficiency or defect in the matter of his election, he would see that the same was removed. After his speech, according to him, the respondent stood up before the gathering and said that he was standing for the election. He seems to be a witness on other topic also. According to him, Choudhary Nitirajsingh called him and gave faked ballot papers such as Ex. P. for distribution and told him, that "Zopadi Gol hai". As per his directions, according to the witness he distributed the ballot papers. He later admitted that ballot papers such as Ex. D-1 had been distributed before.

In his cross-examination, the witness admitted that printed invitation cards had been sent to the persons who were invited for the 13th day ceremony but he had gone there without any such card being sent to him. He had no knowledge, according to him, as to whether Choudhary Nitirajsingh's family were possessed of land. This question was obviously put to suggest that there would be no occasion for Choudhary Daulatsingh to engage the services of the witness for purchasing grain. The witness admitted that he had no shop of his own dealing in grain. All that he did was to go out in the Bazar and purchase gram for them. He did not receive any remuneration for doing that kind of work.

The story told by the witness that on the 13th day ceremony either Shri M. S. Choudhary who is a responsible I.A.S. Officer of standing and Chief Election Officer, would use such solemn occasion for addressing castemen to vote for his brother and tell them openly that he would see that any defect in the matter of his election would be removed by him. It is difficult to see how he, as Chief Election Officer, was in a position to remove any defect in the matter of his brother's election, when the rules of election do not leave any scope for such purpose. None of the castemen or Government officials who were present were examined to prove this. It is not easy to believe that the witness would dare to attend the ceremony uninvited. It is further un-believable that he would come and depose against the respondent if he was so intimate with the family as to go there un-invited. His claim that he used to do the work of purchasing grain for his father without any expectation of return is not easily believable. The witness appears of no substance and his statement cannot be preferred to denial on oath of Shri M. S. Choudhary and the respondent. Issue No. 9 is, therefore, found against the petitioner.

*Issue No. 10.*—This issue relates to the averment that Choudhary Diwansingh, S.O. Sohagpur, who was a cousin of the respondent, had called Baliram Patel and Rewatsingh and asked them to vote for the respondent and also to induce others to do so. To establish this, the petitioner has examined P.W. 3 Baliram Patel, P.W. 4 Rewatsingh and P.W. 9 Gulabchand. According to Baliram Patel, he had gone to Sohagpur in January, 1967 in connection with his case before the sub-Divisional Officer. He was called by Shri Diwansingh while he was going by the side of the Police-station and was asked as to how matters stood regarding election at his place Dikwada. The witness told him that propaganda on behalf of the Congress was going on. It was then that Diwansingh told him that Nitirasingh and Tulsiram were his candidates and that he should see that they were supported.

In his cross-examination, he stated that he had not spoken about that incident to anybody. If that was the case how could the petitioner know about the alleged talk with the witness of Diwansingh. The evidence such as this, has hardly any ring of truth. The witness does not indicate as to how Diwansingh would think of selecting him for such a purpose. Moreover, nothing deposed to by the witness shows that the respondent had obtained the assistance of his cousin Diwansingh for the purpose of the election. The witness did not know Nitirajsingh at all.

P.W. Rewatsingh's evidence is similar. The witness speaks of four occasions, twice in January and twice in February when Diwansingh called him while he was passing by the side of Thana and asked him to vote for the respondent. The witness is a client of Shri Ramchandra Maheshwari, Advocate who is a member of P.S.P. Evidence of this witness also is not reliable. It is unlikely that to a casual passer-by Shri Diwansingh would call and ask to vote for his brother particularly when there was no intimacy between them. Diwansingh has denied on oath what these witnesses have said. I would consider the evidence of these witnesses as un-safe to act upon.

As regards the evidence of P.W. 9 Gulabchand, it is beside the issue. The story told by him is that he had gone to the dispensary of Dr. Sapre which is situated near the residence of the Station-House-Officer, Sohagpur at about 7-30 or 8 p.m. He then saw a car of light blue colour belonging to Choudhary Nitirajsingh standing in front of the residence of Diwansingh Choudhary, S.O., Sohagpur. He further said that the respondent and his cousin Diwansingh standing by the compound of the latter's residence and talking to each other. He heard Choudhary Nitirajsingh talking Diwansingh that he was standing for the election and that they had to do the work carefully. Both Nitirajsingh and Diwansingh have denied this story on oath. According to the respondent, he had been to Diwansingh's residence at Sohagpur only once during the election and that was for about half an hour in the after-noon. He had never been there in the evening or at night. He also denied that he had any light blue car during the election. According to him, he used to move in jeep. Taking the talk attributed to the respondent and Diwansingh all that can be said is that the respondent had given information that he was standing. The alleged statement, "we have to do the work carefully" cannot be construed to mean that he had attempted to obtain his assistance. Moreover, I am not prepared to believe that the respondent and Diwansingh had a talk at the compound of Station-House Officer's bungalow at 7-30 or 8 p.m. and that the witness who had casually gone to Dr. Sapre's dispensary could overhear their talk. It seems they under-took to have a talk somewhat loudly, not inside the house but at the compound, to afford an opportunity to the witness, who is a member

of P.S.P., to overhear. This is an absurd suggestion. I would, therefore, reject altogether the statement of this witness. Thus, this issue No. 10 is found against the petitioner.

We may consider here issue No. 13 which is also on an allied topic namely, assistance secured by the respondent for his election from a public officer.

It is said that Balmakund Gupta, Naib-Tahsildar, Jabalpur took leave specially to help Nitirajsingh and his running mate Babulal Jain in the matter of his election. He remained at his village Paloha where he had put up a Congress flag on his residence. This flag was later removed on objection by members of opposing parties.

Balmakund Gupta, who was examined on behalf of the respondent, has explained that he had come to his village after securing leave in the month of October 1966 on account of the death of his father. He continued to remain on leave on securing extension of his leave period from time to time till 28th February 1967, when he re-joined duty on learning from the Commissioner's office that further extension was not possible. He remained at his family residence at Paloha as he had to look after about 100 acres of land left by his father. He denied that he had put up a Congress flag at his residence or that he had worked as a junior of Babulal Jain as was stated by certain witnesses of the petitioner. He denied that the pamphlet, Ex. P-56 which contains the name of Balmukund Gupta referred to him. Babulal Jain who too was examined denied that Balmakund Gupta was his junior. There is hardly any evidence worth the name produced by the petitioner to prove that Balmukund Gupta had put up a Congress flag at his residence and that the same was removed on objection by the workers of opposing candidates. As regards the carrying on of the propaganda by Balmukund Gupta, on behalf of the Congress and the respondent at the instance of the respondent, the petitioner had not set out any details as to time and place of such corrupt practice.

On behalf of the petitioner, witnesses examined were P.W. 31 Takhsatsingh and P.W. 32 Ganeshprasad both of Bhatera and P.W. 33 Radhelal of Paloha.

Takhsatsingh spoke of faked ballot papers having been given to him such as Ex. P-4 by Harishankar Sthapak. As regards Balmukund Gupta, he stated that he had been to Bhatera 5 or 6 days before the date of polling and expressed desire to meet the villagers. 4 or 5 persons of the village were then called to whom he told to vote for the Congress. Ganeshprasad, on the other hand, stated that Balmukund Gupta gave faked ballot papers such as Ex. P-4 to Takhsatsingh and asked him to explain to the voters to put seal as against the pair of bullocks.

As regards Radhelal, he wanted to refer to an incident with reference to Balmukund Gupta which had taken place at the residence of the later. As facts were not pleaded with reference to that incident, he was not allowed to be questioned on that topic. The evidence of Takhsatsingh and Ganeshprasad is conflicting and neither deserves to be given any credit. Taking it for its face value, it does not establish the fact that Balmukund Gupta's assistance was obtained by the respondent or that Balmukund Gupta was his agent and with his consent and had committed any corrupt practice with his express or implied consent. Issue No. 13 is therefore, found against the petitioner.

As regards issue No. 11 regarding construction of rostrum and making arrangement for the meetings addressed by Shrimati Gandhi, the then Prime Minister by the public officers mentioned in those issues, I would say that so far as the Prime Minister's visit is concerned, security measures including construction of rostrum according to specification and making arrangements for the meeting had to be looked after by the State Government and the officers of that Government under instructions from the Government of India, Home Department whether such visit be on official or non-official purpose. This is clear from the statement of Shri K. C. C. Raja (R.W. 6). I would, therefore, hold that this will not involve any corrupt practice.

As regards issue No. 12 regarding construction of rostrum and making of arrangements for the meeting addressed by the then Chief Minister, Madhya Pradesh Shri D. P. Mishra on 16th February 1967 at Narsinghpur by the Sub-Divisional Officer and Tahsildar, Narsinghpur, there is hardly sufficient evidence on that point worth taking serious notice of. Mr. Dharmadhikari who appeared for the petitioner, had plainly stated that he does not intend to argue issue No. 11 and 12 as according to him, evidence on them is not sufficient.

I would, therefore, find these issues against the petitioner.

In view of the above findings, no finding need be given on issue No. 14. Issues No. 15 and 16 are already decided having been treated as preliminary.

As the petitioner has failed to establish the corrupt practices alleged by him, the petition is dismissed with costs.

Counsel's fees shall be taxed at Rs. 500/-.

Dated the 13th of March 1968.

(Sd.) V. R. NEWASKAR,  
Judge,

[No. 82/MP/45/67.]

New Delhi, the 11th April 1968

S.O. 1530.—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Judgment and Order pronounced on the 29th January, 1968 by the High Court for the States of Punjab and Haryana at Chandigarh in Election Petition No. 8 of 1967 and in the recrimination petition filed in connection therewith.

#### FIT FOR INDEXING

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT  
CHANDIGARH.

ELECTION PETITION SIDE

ELECTION PETITION NO. 8/1967

Rameshwara Nand son of Shri Krishna Nand, resident of Gurukul Gharaunda,  
Tehsil and District Karnal. *Petitioner.*

*Versus*

1. Shri Madho Ram son of Shri Budh Ram, resident of G. T. Road, Panipat, District Karnal,
2. Shri Kulwant Singh, District Magistrate, Karnal, Returning Officers, 2-Karnal Parliamentary Constituency, Karnal.—*Respondents*

Election Petition under Sections 81, 100 and 101 of the Representation of the People Act Praying that the election of respondent No. 1 as Member of the Lok Sabha from 2-Karnal Parliamentary Constituency be declared void, and further praying that the petitioner be declared duly elected as Member of the Lok Sabha from 2-Karnal Parliamentary constituency.

Dated the 29th January, 1968.

PRESENT:

The Hon'ble Mr. Justice Grover.

For the Petitioner: Mr. D. S. Nehra, Advocate, with Mr. K. S. Nehra, Advocate.

For the Respondents: Mr. C. L. Lakhanpal, Advocate with Mr. Prem Partap and I. S. Vimal, Advocates.

#### JUDGEMENT

This judgement shall dispose of Election petition No. 8 of 1967 as also the recrimination petition filed by the returned candidate and certain miscellaneous petitions which have not so far been disposed of.

Swami Rameshwara Nand (hereinafter called the petitioner) who was sponsored by the Bhartiya Jan Sangh and Madho Ram (hereinafter called the respondent) who had been set up by the Indian National Congress, contested the election to the Lok Sabha from 2-Karnal Parliamentary Constituency held in the early part of

the year 1967. The respondent won by a margin of 203 voters. The Parliamentary Constituency, in question, comprised of 9 segments of Assembly Constituency named below:—

- (1) Babin.
- (2) Nilokheri.
- (3) Indri.
- (4) Karnal.
- (5) Jundla.
- (6) Gharaunda.
- (7) Samalkha.
- (8) Panipat.
- (9) Naultha.

The procedure which was to be followed was that the counting was to be done in these segment by the Assistant Returning Officers at the places mentioned in para 6 of the petition. The result was to be finally sent to the Returning Officer who was the Deputy Commissioner. The Returning Officer was to consolidate the counting of these segments and also count the postal ballot papers. The total number of votes secured by the petitioner was 1,68,001 and that secured by the respondent 1,68,204. The number of rejected votes was shown to be 13,876. The number of tendered votes was found to be 190.

The grounds on which the election of the respondent has been challenged as void and a declaration that the petitioner has been duly elected has been claimed are set out in paragraph 12 and the material facts have been stated in paragraph 13 of the petition. A reference will be made to them to the extent it is necessary for the decision of the issues which have been debated and pressed.

On the pleadings of the parties, the following issues were framed.

1. Whether the counting was not done according to the schedule contained in the notice dated 11th February, 1967, given by the Returning Officer?
2. Whether there was a sudden change in the programme of counting and the petitioner could not appoint and post counting agents to supervise the counting and what is the effect?
3. Whether 550 or more votes were improperly counted in favour of the respondent as alleged in paragraph 13(e) of the Election Petition and whether this has materially affected the result of the election in so far as it concerned the returned candidate?
4. Whether 1900 or more votes cast in favour of the petitioner were improperly rejected as mentioned in paragraph 13(c) of the petition? If so, did it materially affect the result of election in so far it concerns the returned candidate?
5. Whether any votes cast in favour of the petitioner were placed inside the bundles earmarked for the respondent? If so, its effect on the result of the election in so far as the returned candidate is concerned?
6. Whether the Assistant Returning Officer and the Returning Officer adopted a partisan attitude towards the petitioner and in favour of the respondent? If so, to what effect?
7. Whether the postal ballot papers alleged to have been cast by public servants on election duty were received in a lump by Shri Bhagwat Swaroop, Superintendent of Police, Karnal, and handed over to the Returning Officer?
8. Whether the ballot papers mentioned in Issue No. 7 were got marked in favour of the respondent at the instance of Shri Bhagwat Swaroop? If so, to what effect?
9. Whether the said postal ballot papers were invalid because of non-compliance with the rules in the matter of issuance and receipts thereof, as alleged in paragraph 13(f) of the petition?
10. Whether a preponderant majority of the tendered voters cast at the election deserved to be counted in favour of the petitioner and whether

- the votes cast earlier in the names of those electors deserved to be excluded from counting and if so, to what effect?
11. Whether the application for recounting submitted by the petitioner to the Returning Officer was not an invalid application? If so, what is the effect?
  12. If issue No. 11 is found against the respondent, whether the Returning Officer was wrong in disallowing the recount in six out of nine Assembly Constituency segments? If so, its effect?
  13. Whether the Returning Officer was wrong in not recounting votes of all the polling stations in the three Assembly Constituency segments as ordered by him? If so, to what effect?
  14. Whether the petitioner is entitled to recount and scrutiny of votes? If so, to what effect?
  15. Whether the votes of persons as alleged in paragraphs 23, 24 and 25 of the petition were cast by false personation and whether it has materially affected the result of the election in so far as the returned candidate is concerned?
  16. Whether Shri Bhartu Ram and Master Kishan Lal committed the mal-practices as alleged in paragraphs 34 and 35 of the petition? If so, its effect?
  17. Whether the mal-practices alleged in paragraphs 36, 37 and 38 were committed? If so, to what effect?
  18. Whether the list of polling stations was not supplied to the petitioner and consequently he could not make arrangement for polling agents at all polling stations and whether it was necessary to so supply the list? If so, its effect?
  19. Whether the employees of the Medical Store Depot Karnal were illegally deprived of postal ballot papers as alleged in paragraph 40 of the petition? If so, its effect?
  20. Whether Shri Bhagawt Swaroop, Superintendent of Police, Karnal, committed the corrupt practices with the consent of the respondent of undue influence with regard to the postal ballot papers of public servants as alleged in paragraph 41 of the petition? If so, its effect?
  21. Whether Shri Jaswant Lal of Panipat committed the corrupt practice of conveyance of voters in truck No. PNK 2039 with the consent of the respondent as alleged in paragraph 42 of the Petition? If so, to what effect?
  22. Whether Shri Lal Chand Malik committed the corrupt practice of conveyance of voters in truck No. PNK 6038 with the consent of the respondent as alleged in paragraph 43? If so, to what effect?
  23. Whether the respondent and Shri Kundan Lal Lamba made the speeches as alleged in paragraph 44(i)? If so, its effect?
  24. Whether the respondent and Shri Sugan Chand Azad made the speeches as alleged in paragraph 44(ii)? If so, its effect?
  25. Whether the persons mentioned in Annexure 'T' to the petition are in the employment of the Government and were appointed as polling agents of the respondent? If so, to what effect? Further whether these polling agents exercised undue influence and whether that amounted to a corrupt practice? If so, to what effect?
  26. Whether the petitioner has received majority of valid votes and is entitled to be declared elected?
  27. Whether the petitioner would not have received majority of the valid votes if the respondent had not obtained votes by corrupt practices as alleged in the petition?

Although Mr. D. S. Nehra, counsel for the petitioner, addressed arguments on issues 1 and 2 separately, in my opinion, they can be decided and disposed of together with other issues on which a consolidated argument has been addressed. These are Issues 3, 4, 5, 6, 11, 12, 13 and 14.

In para 6 of the petition, it is alleged that the poll was taken on 19th February, 1967. According to the schedule given in the notice dated 11th February, 1967, by

the Returning Officer, the counting of the ballot papers was to be taken up on the various dates mentioned in the notice. The counting, however, was not done in accordance with the aforesaid schedule and the deviation which were made have been set out in para 7 of the petition. As regards the grounds relevant for the purpose of the decision of the aforesaid issues, reference need be made to sub-para (i) and (ii) of para 12 of the petition. It has been alleged that the result of the election in so far as it concerns the returned candidate has been materially affected by improper reception, refusal and rejection of votes and by receipt in of void votes in favour of respondent No. 1, and by non-compliance with the provisions of the Constitution and of the Representation of the People Act and the Rules and orders made thereunder. The material facts are set out in para 13. It has been alleged *inter alia* that the Congress party in general and Shri Bhagwat Dayal Sharma, who was then the Chief Minister of the State of Haryana, in particular planned to rig the election so far as the petitioner was concerned. For that purpose it was so arranged that at the time of election such officers should be assigned election duties who would be amenable to their influence. Clauses (i), (vi) of sub-para (b) and sub-para (c), (d) and (e) may be reproduced *in extenso* as a good deal of argument has turned on the question whether all the necessary and material facts have been stated in the petition in the matter of a total inspection and recount being asked:—

(b) The counting staff, the including the Returning Officer, the Assistant Returning Officer, and others working under them, in pursuance of the partisan attitude, resorted to various devices to favour respondent No. 1; e.g.

(i) Ballot papers which constituted valid votes in favour of the petitioner were intentionally placed inside the bundles (of 50 votes each) of the respondent No. 1. This was done secretly at various tables. Nevertheless some cases were detected on the spot.

(vi) At polling station No. 10, three votes and at polling station No. 11 three more votes cast in petitioner's favour were found placed inside the bundles earmarked for respondent No. 1. That fact was brought to the notice of the Returning Officer respondent No. 2. Shri Fateh Chand Vij, M.L.A. who was the counting Agent of the petitioner detected 2 instances of six and nine votes each having been placed in the bundles of respondent No. 1. He also complained about this to the Returning Officer.

(c) That the Assistant Returning Officers persisted in rejecting arbitrarily votes which were valid in all respects and had been cast in favour of the petitioner. Again and again, the petitioner and his counting agents protested against their high-handedness but no heed was paid. Out of 13876 rejected votes at least 1900 valid votes cast in petitioner's favour have been arbitrarily rejected. Had they not been improperly rejected, the petitioner would have clearly obtained a majority of votes and would have been declared elected.

(d) That the Assistant Returning Officers applied discriminatory standards in accepting and rejecting votes and thereby favoured respondent No. 1 as against the petitioner. Votes cast in favour of the petitioner were rejected on the basis of supposed defects whereas identical defects were condoned in the case of votes of Respondent No. 1.

(e) That there was a large number of void votes which ought to have been rejected as invalid. At the time of the counting the petitioner and his counting agents pointed out to the Returning Officer that all such invalid votes should be rejected. But all these void and invalid votes were included in favour of respondent No. 1. The number of such void and invalid votes, so pointed out was more than 550. It is possible that some more such votes may have escaped the pointing out at that time.

It is unnecessary to reproduce sub-para(f) of para 13 as also paras 14 and 15 of the petition as the matter contained therein has previously been dealt with in the order of the Full Bench dated 16th October, 1967.

In the written statement filed by the respondent, it has been admitted that some alterations in the schedule relating to counting were made on account of the exigencies of the situation but it has been averred that the petitioner was always kept informed of the changes and that his counting agents were present at all the counting stations before the counting actually commenced. The allegations contained in para 12 of the petition have been denied in addition to their having

been described as vague, indefinite and lacking in material particulars. As regards para 13, the allegations made in the petition have been denied. It has been asserted that neither the counting staff nor the Returning Officer nor the Assistant Returning Officers or any other Officer working under them acted in a partisan manner and in favour of the respondent. As regards the Babin segment, it has been denied that the petitioner withdrew from the counting at any stage. It has been alleged that he and his counting agents continued to participate in the counting till the very end and it was only when it was found that the petitioner had lost heavily by nearly 5,500 votes that his supporters tried to create confusion and lodged protests. According to the respondent a large number of counting officials were sympathetic towards the Jan Sangh and were opposed to the Congress party. They were, therefore, trying to help the petitioner and not the respondent.

The evidence relating to the departure made from in schedule contained in the notice dated 11th February, 1967, as regards the time and date of the counting may first be discussed. PW. 5 Banwarl Ram, a Sarpanch of village Kudlain and Chairman of the Republican Party, Haryana, who had contested the elections from the Jundla Assembly Constituency in February, 1967, stated that as regards the counting in Karnal, it had been originally notified that it would take place on 22nd February, 1967. The date was changed without any further information or notification to 23rd February, 1967. He was, however, present throughout the period of counting. The petitioner as P.W. 37 stated that a notice had been received by him on 11th February, 1967, from the Returning Officers, Karnal, that the counting would take place in respect of the Parliamentary seat on 21st February, 1967, with regard to the Karnal Gharaunda, Nilokheri, Samalkha, Panipat and Indri segments and of the remaining three segments on 22nd February, 1967. But as a matter of fact, the counting was held on different dates. On 21st February, 1967, the counting took place of the Samalkha, Karnal and Nilokheri segments. Some counting in respect of Panipat segment was also done. On 22nd February, 1967, the remaining ballot papers were counted from Panipat segment and the counting took place in respect of the Gharaunda, Nilokheri and Babin segments. On 22nd February, 1967, some counting had been done relating to Naultha segment. On 23rd February, 1967, counting of Jundla segment and the remaining counting of Naultha segment was done. According to the petitioner he was only informed about the change in the date of the counting relating to the Gharaunda segment but he was not informed about the others. RW. 16 Om Parkash Gupta, Election Naib Tehsildar, deposed after looking at the programme of the counting arrangement by the Returning Officer that the counting for Samalkha, Panipat, Karnal, Gharaunda, Nilokheri and Indri segments was to be done on 21st February, 1967, and that of Babin, Naultha and Jundla segments on 22nd February, 1967. On 21st February, 1967, the counting in respect of Samalkha, Karnal and Nilokheri segments only was completed. The counting of Gharaunda, Indri and Babin segments started on 22nd February, 1967, and was completed the same day. As regards Panipat, it started on 21st February at 8.30 and was completed on 22nd February. The counting relating to Jundla started on the 23rd February and was completed on that day. The counting in respect of Naultha started on 22nd February at 2.00 P.M. and was completed on the 23rd February, 1967.

The Naib Tehsildar, Om Parkash Gupta, RW. 16 in cross-examination made it clear that the notices with regard to the change of date and time of counting were duly issued to both the candidates. As regards Panipat segment, notices were issued but the signature of the petitioner was not to be found. But so far as the Jundla segment was concerned, the signature of the petitioner was to be found on the notices which were issued. In view of what has been stated above and the discussion which will follow, I am not satisfied that the petitioner did not have any notice of the change of time and date of counting. At any rate, it is common ground that his grievance mainly is in respect of Panipat segment about which the Naib Tehsildar's evidence is that notice was issued to him. It is not the case of the petitioner that his counting agents were not present when the counting of the Panipat segment took place. I do not find any force in the aforesaid objection of the petitioner.

As regards the other alleged illegalities and irregularities, PW. 2 Fateh Chand, who was elected to the Legislative Assembly in the last general elections and who was a sitting M.L.A. having been elected in 1962 also, stated that he was present when counting of the Panipat Assembly Constituency as also of the Panipat segment of the Parliamentary Constituency took place on 22nd February, 1967. Sumer Chand, who was his counting agent, Pardhan Ram Singh, the election agent



of the petitioner and Shri Dharam Singh Advocate were present. The Sub-Divisional Officer who was the Assistant Returning Officer, was showing a distinct leaning in favour of the respondent and when the marks on the ballot papers were similar, he would accept them in the case of the respondent whereas he would reject them in the case of the petitioner. To give an instance, if a ballot paper in which a vote had been cast, in favour of the respondent, contained some sort of smudge or stain, it was accepted but it was rejected in case of the petitioner. Similarly the mark by the prescribed instrument touching or slightly crossing the line was not regarded as sufficient to invalidate the ballot papers of the respondent whereas the ballot papers cast in favour of the petitioner were invalidated on that ground. Furthermore, in the case of the respondent even if there was a smudge or some sort of stain against the name of the respondent, that ballot paper was accepted whereas the ballot papers containing votes in favour of the petitioner were rejected for that reason. If a ballot paper contained the mark of the prescribed instrument only partially, it was accepted in the case of the respondent but rejected so far as the ballot papers relating to the petitioner were concerned. The election agent of the petitioner often demanded that he be allowed to note down the number of those ballot papers which were being illegally rejected or accepted but since those numbers were at the back of the ballot papers, they were not allowed to be noted down. He could not give the numerical number of the ballot papers which were so rejected or accepted because the number was large. He was present when the petitioner filed an application praying for recount before the Returning Officer. The recount was allowed and he was present when it started. He found at his table that in one bundle about six ballot papers in which votes had been cast in favour of the petitioner had been tied up in the bundle of the ballot papers relating to the respondent. Similarly in another bundle nine such ballot papers had been tied up. He learnt from the neighbouring table that three to four ballot papers had been similarly illegally tied up in several bundles relating to the respondent. The recount continued upto 11.00 p.m. and it covered about 22 polling stations. At about 11.00 p.m. the peon of the Deputy Commissioner informed him of a telephonic call from the Chief Minister and that officer then went to the retiring room with the telephone. After coming back he ordered that the rest of the recount would be carried out on the following day. Fateh Chand admitted that he had been the President of the District Jan Sangh once and of the Panipat City Jan Sangh twice. He had appeared as a witness on behalf of the Jan Sangh Candidate Randhir Singh in the election petition filed by Ch. Kartar Singh, the Congress candidate, against the election of Randhir Singh in 1967 from the Assembly constituency. He stated that he was present for about 2 to 2½ hours at Samalkha when the counting was done. He could not recall if he had stated in his evidence that the counting had been done regularly and properly. The counting relating to Panipat segment was admitted by him to have started on the evening of 21st February and although the irregularities and illegalities mentioned by him had been committed both on the evening of the 21st and also on the 22nd February, he did not inform the petitioner on the 21st February about them. He agreed that both sides were being heard by the Assistant Returning Officer when he gave a decision about the rejection or acceptance of votes.

PW. 3 Ram Lal, who had also contested the elections in 1967 from the Karnal Assembly Constituency on Jan Sangh ticket and had been returned from that Constituency, stated that the counting relating to the Karnal segment started on the morning of 21st February, 1967, in the Rest House at Karnal. The Assistant Returning Officer was Shri Ram Singh, General Assistant to the Deputy Commissioner. According to him, the said officer was showing favour to the respondent by accepting ballot papers relating to him and rejecting those which contained votes in favour of the petitioner on grounds similar to those which have been stated by the previous witness Fateh Chand. He admitted in cross-examination that the counting Agents of the petitioner were sitting on all the tables. They made only oral complaints. He went on to state that hundreds of ballot papers had been illegally accepted and rejected in the manner indicated. But he could not give the number of such ballot papers as had been rejected on account of marks not being at the proper place.

PW. 4 Shiv Ram another MLA, who had been elected on the Jan Sangh ticket in the elections held in February, 1967, from the Nilokheri Assembly Constituency, stated that he was present when the counting of the Nilokheri segment took place at Karnal. He gave evidence similar to that of the previous two witnesses with regard to discrimination which was being practised by the Assistant Returning Officer in the matter of rejection and acceptance of votes. According to him

the petitioner came there a couple of times for short periods and objected to all that was being done. His counting agents, who were present, raised objections but no heed was paid. In cross-examination, he admitted that no written objections were filed to the illegalities which were being committed in the matter of acceptance and rejection of ballot papers. He could not give the number relating to each of the categories of ballot papers mentioned above which were illegally rejected or accepted.

Banwarl Ram P.W. 5, a Sarpanch of village Kudalain and Chairman of the Republican Party, who had contested the elections from Jundla Assembly Constituency in February, 1967, stated that he was present throughout the period of counting in respect of the Jundla segment at Karnal. His deposition is similar to that of PWs 2 and 3 with regard to the alleged irregularities and illegalities committed in the matter of rejection and acceptance of the ballot papers. He had made a complaint in writing to the Returning Officer, who was the Sub-Divisional Officer, concerning the Assembly elections and on his complaint recount had been ordered. The recount was done in respect of two or three polling stations. He left in disgust, because he found that the said officer was acting with partiality.

PW. 7 Raghubir Singh Saini, Advocate, who was the election agent at Panipat of Fateh Chand, PW. 2, stated that he was standing near the Sub-divisional Officer or Magistrate who was the Returning Officer for the Assembly Constituency and the Assistant Returning Officer for the Karnal Parliamentary Constituency when the disputed ballot papers were brought to him. He deposed to the discriminatory treatment accorded to the ballot papers in which votes had been cast in favour of the petitioner and the respondent respectively. Dharam Singh who was the counting agent of the petitioner, was present and he pointed out the irregularities to the Assistant Returning Officer. On his doing so, sometimes one or two ballot papers were properly rejected or accepted. He went to Karnal at 6.00 p.m. when the final counting of votes of the entire Parliamentary Constituency was done on 23rd February, 1967. He met the petitioner and told him that lot of irregularities had been committed at Panipat and it was unfortunate that neither he nor his agent who could properly look after his interest was present there. The petitioner instructed K. N. Sahni, Advocate to submit an application for recount. After hearing arguments, the Deputy Commissioner, who was the Returning Officer, said that recount would be done for the whole of the Parliamentary Constituency. The recount started at about 7.45 p.m. At that time he acted as the counting agent of the petitioner. The counting went on till 10.45 or 11.00 p.m. while counting in respect of 22 polling stations had been done, a telephonic message was received by the Deputy Commissioner. The peon told him that the message was from the Chief Minister. That officer left that place and returned after 15 or 20 minutes. He then directed that the counting would be continued on the following day at 8.00 a.m. When this witness went to the Court of the Deputy Commissioner on the next day it was announced that recount would take place only of three segments and not of the entire Parliamentary constituency. The petitioner protested but no heed was paid. He went to Delhi and met the Election Commissioner Shri K. V. K. Sundram. He was accompanied by C. Mukhtiar Singh, MP., President of the Haryana Bharatiya Jan Sangh. All these grievances were explained to Shri Sundram but the latter said that the result of the election had already been announced and, therefore, nothing could be done. He admitted that he had been a member of the R.S.S.S. for the last 10 or 12 years. He was one of the accused persons in the criminal case which was started as a result of three persons who got burnt in fire in Panipat in March, 1966, but he was acquitted. The Sub Divisional Officer did not tell him or any one else representing the petitioner not to come and stand near his table. Sharam Singh Advocate who was the counting agent of the petitioner, is an advocate of 29/30 years standing. He did not raise any protest or file any objection relating to the manner in which ballot papers were being rejected or accepted in writing. At every table there was a counting agent of the petitioner. But no one was present on his behalf near the Sub Divisional Officer. The counting at Panipat finished at about 2.00 p.m. but he did not inform the petitioner until the evening of 23rd February about the irregularities mentioned by him. He maintained that the orders which the Deputy Commissioner had made on the evening of 23rd February for a recount were verbal and not in writing. At the time of recount it was found at his table that some of the bundles relating to the respondent contained ballot papers of the petitioner but he could not give the number of the polling booth to which they related. At the conclusion of the recount on that evening so far as he could remember total number of 24 such ballot papers had been wrongly included in

the bundles relating to the respondent. At his table three ballot papers in which votes had been cast in favour of the petitioner and which had been invalidated were found on recount to be valid but he could not say whether they were counted as valid votes or not. When he talked to the petitioner between 6 and 6.30 p.m. on the evening of 23rd February, 1967, it was being generally said that the petitioner had lost by a very small margin. When the recounting was stopped on 23rd, 1967, at about 11.00 p.m., 55 votes were added to the account of the respondent and 8 votes to that of the petitioner. The petitioner walked out on the morning of 24th February, 1967, so as to dissociate himself from the counting.

P.W. 36 Bishan Dass, the counting agent of the petitioner for the Gharaunda segment, stated that he was present at the time of counting at Karnal. His evidence with regard to the irregularities committed in the matter of rejection and acceptance of ballot papers was on the same lines as that of the previous witnesses. On a rough estimate he could say that 150 ballot papers were rejected so far as the petitioner was concerned and 50 were accepted in respect of the respondent. In cross-examination, he stated that the supervising staff used to take all the ballot papers including those which were in order and those which were disputed to the Assistant Returning Officer who used to hear arguments of both sides with regard to the disputed ballot papers, but that officer was acting in a partisan manner. He admitted that no objection in writing was filed pointing out the aforesaid irregularities nor was any record kept of the votes which were being rejected or accepted irregularly or illegally. So far as he could remember the petitioner was leading by 3,000 votes from the Gharaunda constituency. ;

The petitioner, who appeared as P.W. 37 introduced certain other matters about irregularities. According to him he saw at some polling stations that two ballot papers were being given to each of the electors who went for casting their votes. When an elector happened to be simpleton, the person near the ballot-box would take away the white ballot paper from him which was meant for the Parliamentary election and only give him the pink ballot paper for putting the mark with the prescribed instrument. There used to be a place near the ballot-box which was divided into two compartments. In one compartment marks had to be made on the ballot papers for the Parliamentary seat and in the other compartment marks had to be made on the ballot papers for the Assembly seat. An intelligent or a literate person used to take each ballot paper and put the mark on it and then put it in the ballot box but this ruse was being played on simple minded and illiterate electors that they were given only pink ballot paper for putting the mark with the prescribed instrument. The white ballot papers, which were so retained by that person, were utilised in this way. He would either put them in the ballot-box blank or he would, on finding an opportunity, himself go and put the mark with the prescribed instrument and then put them in the ballot-box. Another device which was adopted was that those persons who were regarded as favourably inclined towards the petitioner were kept waiting in a queue till 5 O'clock and were not allowed to cast their votes. As regards the Nilokheri segment, he gave evidence about the rejection and acceptance of the ballot papers on lines similar to the previous witness, so also about the Panipat and Babain segments. He came away from Babain and went to the bungalow of the Deputy Commissioner who was the Returning Officer and told him that every possible irregularity and illegality was being committed in the matter of counting. The Returning Officer directed him to file a written application. When he filed the application for recount, the Returning Officer told him that a recount would take place of the entire constituency. The recount continued upto 11 or 11.15 at night. At that very time the peon of the Returning Officer informed him that a telephonic call has come from the Chief Minister. After attending to the telephonic call the Returning Officer said that there would be no further recounting and that the rest of the recounting would be carried out on the following day. Next day, the petitioner enquired whether it was true that the recount was to be in respect of only three segments. The reply of the Deputy Commissioner was in the affirmative and therefore, the petitioner gave a written application demanding recount of the entire constituency. He instructed his counsel to move the Election Commission in the matter. An application was submitted to the Election Commission on 27th February. The recount which took place relating to 23 polling stations of the Babain segment in which there were about 55 to 56 stations showed that in polling stations 10 and 11, three ballot papers in which votes had been cast in the petitioner's favour were found to have been put in the bundles of the respondent. Similarly 6, 9 and 2 ballot papers were found to have been put in the bundles of the respondent from three other polling stations. What was further done was that after the petitioner had been given credit for these votes, the other ballot papers in which votes had been genuinely cast in favour of the petitioner were rejected in equal number or more and even

those ballot papers in which votes cast in favour of the respondent had been rejected, were accepted. As a result of such irregularities as many as 2,300 ballot papers in which votes had been cast in favour of the petitioner were wrongly rejected and 500/600 ballot papers in which votes had been cast in favour of the respondent had been illegally accepted. In cross-examination, he admitted that it was on the night of 19th February that he learned about the ballot papers having been given to electors who were illiterate or simple minded by the person near the ballot-box for marks being put with the prescribed instrument in the manner which has been indicated in examine-in-chief. According to the petitioner, he had been on the move all the time. On the following day also he did not file any written application though he had orally represented to the Deputy Commissioner in that behalf. He asked Ratti Ram, who was his polling agent at the Gondher polling he did by means of annexure 'L' on the 28th February, 1967. According to the petitioner, he did not have counting agents in their full strength at all the counting stations but one or other of his counting agents was present at each one of those stations. K. N. Sahni Advocate was present when the petitioner instructed him to make an application for recount and the application was written by him. In that application he had mentioned only about the irregularities with reference to the counting relating to Babain Assembly constituency. But according to the petitioner that was only illustrative. He admitted that he did not give the details of the manner in which the votes were being rejected or accepted of the nature which had been given by him in his examination-in-chief. According to him the order of the Deputy Commissioner made on his application, exhibit P. 339, was not made in his presence or to his knowledge. During the process of recount he did not make any written protest about any illegality. When questioned why he had not stated in his application, Exhibit P 340, that the Returning Officer had announced the order on 23rd February, 1967, that the recounting of all the nine segments would take place and that the actual order which was written was different and was confined to the recounting of the three segments only, the petitioner stated that he did not want to annoy the Returning Officer by writing about that matter. He admitted that the portion marked A to A in Exhibit P. 340 was written under his instructions and that statements contained in that application were correct.

The evidence of the witness produced by the respondent to rebut the allegations made by the petitioner as also in support of the allegations in the recrimination petition on the point may be briefly referred to RW.7 Om Parkash Singla, counting agent of the respondent, stated that he was present when the counting took place of the Panipat and Samalkha segments. He did not see any of the Assistant Returning Officers committing any irregularity. On the contrary some members of the counting staff appeared to be pro-Jan Sangh. In his presence no objection was raised by any one on behalf of the petitioner that the counting was not being done properly or that any irregularity was being committed. In cross-examination, he admitted that the ballot papers on which there was a smudge for mark of the prescribed instrument apart from the mark itself used to be rejected, but if any ballot paper bore a stain of ink apart from the mark of the prescribed instrument that was not rejected. He could not say that the preponderant number of ballot papers which were rejected in the above manner related to the petitioner. According to him they related to both the candidates.

RW.8 Lashkari, counting agent of the respondent at the time of counting at Panipat and Samalkha segments, stated that no particular complaint was made by any of the representatives of the petitioner in the matter of counting. No one stopped anyone of the counting agents from making a note of the serial number of the ballot papers which were accepted or rejected or any of the other particulars appearing on them. Every ballot paper could be seen by the counting agents. Dharam Singh Advocate was present on behalf of the petitioner who himself came once or twice. None of them raised any objections. Whenever any dispute arose in respect of any of the ballot papers that matter was settled between the counting agents of the parties and in case of further dispute it was referred to the Assistant Returning Officer. According to him such ballot papers on which there was a mark of the prescribed instrument and some smudge which appeared to have been caused by the mark in the course of folding of the ballot papers were accepted and votes contained therein were counted in favour of the candidate against whom the mark appeared to be of the instrument.

R.W.9 Yashpal Singh, counting agent of the respondent at Nilokheri, Indri and Jundla segments, stated that he did not notice any irregularities being committed. According to him when the counting relating to Indri segment was being done on the second day and when it was found that the respondent was leading by about 2,000 votes, the petitioner raised certain objections. And similarly about Jundla segment when the respondent had a lead of about 4,000 votes the petitioner started

raising verbal objections. The petitioner filed an application for recount after it had become known that he was going to lose the election by a margin of 29 votes. Uptil then the postal ballots etc. had not been counted. The application for recount was opposed on behalf of the respondent. The Deputy Commissioner after hearing both sides announced his orders to the effect that recount would be allowed only with regard to three segments. The recount continued till about 11.00 P.M. As a result of the recount the number of votes cast in favour of the respondent actually increased. The Deputy Commissioner kept of sitting at his table throughout and did not go out anywhere nor was any message delivered to him by any peon in his presence. It was the petitioner who wanted the recount to be continued on the following day because it had become very late. The next morning, however, the petitioner filed an application asking for a recount of the entire constituency. When the Deputy Commissioner said that pursuant to the order made by him recount could proceed only in respect of three segments, the petitioner as also his agents left.

The evidence of R.W. 19 Om Parkash Tuli, R.W. 20 Ram Lal, R.W. 21 Aditya Parkash and R.W. 23 Jagdish Chander is hardly of much consequence and need not be mentioned. R.W. 24 Chaman Lal, the counting agent of the respondent, stated that he was present when the counting relating to Karnal segment took place and he also kept on going to the place where the counting was being done relating to the Nilokheri segment on 21st February, 1967. No complaint was made either by the petitioner or any one of his agents or representatives concerning counting with regard to the aforesaid two segments. On 22nd February, 1967, he went to the Court of the Sub-Divisional Magistrate, Thanesar, where counting relating to the Babain segment was going on. The standard which was being observed in the matter of rejection and acceptance of the ballot papers was found to be more strict there than what he had observed on the previous day in respect of Karnal and Nilokheri segments. The respondent had a lead of 5,500 votes there and it was apparent that by applying a strict standard more votes which had been cast in favour of the respondent were being rejected. After counting of votes of about forty polling stations had been completed, the petitioner said that he was not satisfied with what was being done and the counting should be stopped. At that time, the respondent leading by about 5,000 votes. As regards the recount ordered by the Deputy Commissioner, the witness gave a statement on lines somewhat similar to the previous witness. In cross-examination, he stated that none of the votes cast in favour of the petitioner was found in the bundles of the respondent.

R.W. 25 Madho Ram, respondent, stated that he was present at the time of recount. The petitioner had asked for a total recount, but after hearing arguments, the Deputy Commissioner ordered that recount should take place in respect of three segments only. The recount started at about 8.00 P.M. and continued upto 11.00 P.M. No objection or complaint was made by the petitioner while the recount proceeded or by any one of his agents. The recount was stopped at 11.00 P.M. because everyone was feeling tired and the petitioner suggested that it should be continued the next morning. The Deputy Commissioner never received any message from any one on telephone in his presence. Next morning the petitioner insisted that recount should be done in respect of the entire constituency. The Deputy Commissioner did not agree. The petitioner left by way of protest; and so did his companions.

R.W. 16 Om Parkash Gupta, Election Naib Tehsilder, deposed after looking at Exhibit P. 343 that the position after the recount was that 90 ballot papers which had been rejected were declared to be valid while 27 ballot papers which had originally been declared valid were rejected. The difference came to 63 votes. The ballot papers relating to which had originally been rejected but which were found valid. Out of these 63 ballot papers, only 8 were found to have been cast in favour of the petitioner and the remaining 55 in favour of the respondent. In answer to the question whether the ballot papers which bore the mark of the prescribed instrument against the name of one candidate and a smudge or a mark of the instrument against the name of another candidate, were accepted or rejected, the witness stated that rejection and acceptance was being done according to the instructions contained in the hand-book for the Returning Officer. Some ballot papers having doubtful smudge were seen by him to have been rejected.

There are certain facts which have been emphasised by Mr. C. L. Lakhanpal, counsel for the respondent, which may be noticed before relevant complaints or applications which were filed by the petitioner are discussed. The counting in respect of Samalkha, Karnal and Nilokheri segments took place on 21st February, 1967. The respondent was losing in the Samalkha and Karnal segments by 210 and 2,976 votes. He, however, had a lead of 1,476 votes in the Nilokheri segment.

The counting relating to the Panipat segment started on 21st February, 1967, in the evening and it continued on the 22nd February, 1967. On 22nd February, apart from Panipat segment the counting relating to Babain, Indri and Gharaunda took place. In the Babain and Indri segments the respondent had a lead of 5,492 and 3,303 votes respectively. In the Panipat and Gharaunda segments he was losing by 2,931 and 3,772 votes respectively. The counting relating to the Naultha segment started on 22nd February, 1967, and continued on 23rd February, 1967. The and in the Jundla segment he was gaining by 3694 votes. He had as a result of the final counting, a majority of 29 votes apart from the postal ballot papers in which 108 votes of the Police Constables were found to have been cast in his favour. Similarly 19 votes of the military personnel were found to have been cast in his favour. The respondent was thus winning by 156 votes. This was the overall position before the recount ordered by the Deputy Commissioner. Now the petitioner, according to Mr. Lakhanpal and those facts have not been controverted by Mr. Nehra filed his first complaint and on the same day he filed a second complaint relating to Indri segment. The complaint about Nilokheri was also filed on that very day although the counting had concluded on 21st February, 1967. The third complaint was filed on 23rd February, 1967 about Jundla segment. It is pointed out that no complaint was on 21st February, when the petitioner was winning. It was only when he started losing that he commenced filing applications containing objections. He never filed any complaint about the Naultha segment. It is apparent, according to Mr. Lakhanpal that the petitioner was leading in the Samalkha, Karnal, Panipat, Gharaunda and Naultha segments and it was only in Nilokheri, Babain, Indri and Jundla that the respondent was leading. It is also clear that whatever objections were filed they related to Babain, Indri, Nilokheri and Jundla segments only.

Exhibit P. 334 is the application dated 22nd February, 1967, which was filed at about 12.00 P.M. addressed to the Returning Officer, Babain Assembly Constituency, saying that the following irregularities were being committed to which serious objection was taken:—

1. "That the votes which were doubtful were brought to your (?) for decision are being cancelled arbitrarily meaning thereby that the votes of Jan Sangh which are correctly stamped are being cancelled in spite of my oral protest.
2. That the ballot papers of the Congress candidate which are not properly stamped are being accepted in spite of the protest.
3. That some of the people at the counting tables are mixing the ballot papers of Jan Sangh in the Congress bundles and no action is being taken against them in spite of the fact that they have been caught while committing this mischief".

Exhibit P. 335 which does not bear any date was addressed to the Returning Officer, Karnal Parliamentary Constituency, saying that the counting of Babain Assembly Constituency votes at Thanesar under the supervision of the S.D.M. had been extremely defective and wrong. Some Government employees who had been deputed for sorting out of the votes were actually caught smuggling the votes polled for the petitioner in the bundle of votes for the Congress candidate. It was further alleged that there had been a similar bungling and smuggling of votes in the Nilokheri and Indri Assembly Constituencies. It was prayed that there should be a recount in respect of the aforesaid three segments.

Exhibit P. 336 is an application dated 22nd February, 1967, addressed to the Returning Officer which was received by him at 3.30 P.M. In that the irregularities mentioned are the same as in Exhibit P. 334. The order made on this application reads:—

"I have contacted SDO Thanesar on telephone. The counting from the Babin Constituency which was being done today has been completed by him. The result will be sent to me today. Put up tomorrow at the time of counting."

At page 9 of the record and immediately after Exhibit P. 336, there is an order of the Assistant Returning Officer in the following terms:—

"Swami Rameshwar Nath Ji made an application that counting of his Parliamentary seat should be done again. One Supervisory Officer had placed the votes in the bundle of Shri Madho Ra, while Swami Ji felt that it should have been placed in the bundle of doubtful votes. I examined the votes and I am satisfied that the Supervisory Officer

exercised his best discretion. I do not think that the votes should be counted again. However, Returning Officer, if he so decides may recount the votes before the declaration of the result."

At page 13, there is another order of the Assistant Returning Officer, Karnal, as follows:—

"Swami Rameshwara Nand Ji, a candidate for Karnal Parliamentary Constituency, Karnal, made an application asking for recounting of Nilokheri and Indri Assembly Constituency votes. He has submitted that bungling, has been done in counting of votes and votes have been smuggled. On the date when votes of Nilokheri Assembly Constituency were counted, Swami Ji had not raised any objection. In fact, he had expressed his complete confidence in counting of votes. This application was given when counting for Jundla Assembly Constituency had nearly finished. Obviously this application was made when he realised that he had lost the battle. An application was also made by Swami Ji for recounting of Indri Assembly votes. This application was forwarded to the Deputy Commissioner/Returning Officer yesterday. This application is also forwarded to the Returning Officer with my comments."

These orders seem to have been made with reference to very short and brief applications in Hindi made by the petitioner, Exhibit P. 337 and 338.

On the 23rd February, 1967, the petitioner filed an application, Exhibit P. 339, which is a brief one and its material parts may be reproduced:—

- "1. That the petitioner is a candidate for the Parliament for Karnal Constituency.
2. That the counting of Babain Assembly Constituency votes at Thanesar under the supervision of the S.D.M. Thanesar has been extremely defective and wrong. Some Government employees who had been deputed for sorting out the votes were actually caught smuggling the votes polled for the Congress. No action was taken against such officials. A copy of the application made to the worthy S.D.M. in this connection is attached herewith.
3. That there has been a similar mishandling of votes on the other Constituencies also. This was pointed to the Assistant Returning Officers and other officials deputed for counting at that very time. In some boxes number of votes R to have been polled as shown in the account are less than those actually taken out of the boxes."

The Deputy Commissioner recorded an order at the back of that application which reads:—

"This application has been given by Swami Rameshwara Nand for recounting in all the constituencies for Vidhan Sabha comprised in the Karnal Lok Sabha Constituency. The reason given is small margin between the votes polled by the two contestants and some irregularities noticed at the time of counting before the Assistant Returning Officers. Such objections were taken only in respect of Babain, Indri and Jundla Assembly Constituencies. The allegations were about mixing of votes polled by the petitioner in the bundles of the other candidate and acceptance of ballot papers which were not properly stamped. In view of this, I order recounting of votes in the above mentioned three constituencies. In respect of other constituencies no such compliant was made to the A.R.Os. and the candidates were obviously satisfied about the counting in those places."

On the 24th February, 1967, in the morning another application, Exhibit P. 340, was presented on which the order by the Deputy Commissioner was:—

"Swami Rameshwara Nand, one of the contestants for the Karnal Lok Sabha seat had applied for recounting of ballot papers in all Assembly Constituencies comprised in the Karnal Lok Sabha seat. I had allowed recounting of three Constituencies for the reasons already given in my order dated 23rd February, 1967. Swami Rameshwara Nand has now applied that this is not acceptable to him and he is not willing to associate with the recounting of these Assembly Constituencies. I, therefore, close the recounting and proceed to declare the result. The request for staying the announcement of the

declaration till their application to the Election Commission is decided, is also disallowed.

I would like to observe that I have set out the main applications made by the petitioner and the orders recorded thereon mostly *in extenso* because a good deal of arguments has centred on the question whether the grievances which have now been agitated by the petitioner wherever agitated before the Assistant Returning Officers or the Returning Officer and whether any facts and particulars were stated of the nature which have now been alleged and also for the purpose of deciding to what extent the petitioner's case stands proved that the Deputy Commissioner, who was the Returning Officer, had ordered a recount of the entire Parliamentary constituency in the first instance but had changed his orders owing to a call from the then Chief Minister of Haryana Shri Bhagwat Dayal Sharma.

It may be mentioned that the application which was submitted to the Election Commission has not been got produced and only the order made thereon Exhibit P. 310 is to be found on the record. It is stated therein:—

"A complaint has been received in the Election Commission that the counting of votes polled in Karnal Parliamentary Constituency in Haryana State was not properly done by the Returning Officer. It has also been alleged that various irregularities were committed and that the request for recount of votes in the entire Parliamentary constituency was refused. The complaint also apprehends that the election records will be tampered with if allowed to remain the custody of the Returning Officer....."

The Commission directed that the sealed bundles of the papers and documents mentioned in the order be kept in bags which were to be sealed with the seal of the District Election Officer, and that such bags would be opened only with the approval of the Commission or this court. It is necessary now to analyse what were the real grievances of the petitioner upto the stage of the making of the application before the Returning Officer for recount on 23rd February, 1967. It can hardly be disputed that most of the allegations which were made were confined to the counting of Babain segment, although it was mentioned in a fairly tame manner that there had been bungling in respect of the counting of Nllokheri and Indri segments. In the order of the Returning Officer dated 23rd February, 1967 recorded at the back of the application for recount, it has been clearly stated that the objections were taken only in respect of the counting of Babain, Indri and Jundla segments. Mr. Nehra, counsel for the petitioner, in this statement apart from the mention of Nllokheri which was made in Exhibit P. 335 which did not bear any date. The order of the Assistant Returning Officer, Karnal, which has been reproduced, would show that no objection was taken on the date when counting was done in respect of the Nllokheri segment. On the other hand the petitioner had expressed his complete confidence in the counting of votes regarding the Nllokheri segment. The petitioner's own statement is significant that in the application for recount, mention had been made only about the irregularities with reference to the counting relating to the Babain segment. According to him, K. N. Sahni, Advocate had been instructed by him to make the application for recount and that the application had been written by him. K. N. Sahni has not been produced but the application itself supports the statement of the petitioner that in the application for recount dated 23rd February, 1967, the main challenge or attack was to the counting of Babain segment. There was a general statement made in paragraph 3 that there had been a similar mishandling of votes in the other segments also. I am satisfied, in these circumstances, that the Returning Officer was completely justified in allowing recount in respect of three segments only, namely, Babain, Indri and Jundla. I have further no manner of doubt that the allegations of the petitioner that the Returning Officer had on 23rd February, ordered a recount of all the segments comprised in the Karnal Parliamentary Constituency and had later on the intervention by means of a telephonic communication of Shri Bhagwat Dayal Sharma ordered that the recounting should be confined only to the aforesaid three segments, have not been proved. The original documents are tell-tale and it is not possible to believe that the order which is recorded at the back of the application of the petitioner by the Deputy Commissioner was not recorded on the 23rd of February or that any other order could have been recorded on that date which was changed to the order which actually exists on the record. The petitioner had summoned the Returning Officer Shri Kulwant Singh as a witness but he was not examined. Even the oral evidence which has been led on this point by the petitioner is not of such a nature that



it can be relied upon and adopted for the purpose of holding that the order of the Returning Officer was not properly and regularly made on 23rd February, 1967. P.W. 2 Fateh Chand belongs to the Jan Sangh Party and P.W. 7 Raghbir Singh Saini was his election agent. In matters of political nature and even otherwise it would not be safe to rely on their oral testimony in preference to documentary evidence. I am equally convinced that the application Exhibit P. 340 which was filed by the petitioner on the morning of 24th February, 1967 was an after thought and that it was the petitioner who declined to associate himself with the entire recounting of the aforesaid three segments as is mentioned in the order of the Returning Officer of 24th February, 1967.

The next and the most contested matter is whether the prayer made in Civil Miscellaneous No 195/B/of 1967 for a recount at the present stage should be allowed. It has been maintained by Mr. Nehra that the irregularities which had been deposed to by the various witnesses produced by the petitioner would justify an order of recount particularly when even in the recrimination petition the respondent has made a similar prayer. It may be mentioned that so far as postal ballots and tendered votes were concerned it was decided by the Full Bench on 16th October, 1967, that the essential conditions for inspection and scrutiny relating to them had been duly fulfilled. Their production, inspection and scrutiny were consequently allowed. But the question now is whether inspection and scrutiny should be allowed of all the ballot papers relating to the entire Parliamentary Constituency and that there should be a recount of votes. Most of the decisions of the Supreme Court have been referred to in the Judgment of the Full Bench but it will be necessary to advert to the principles established by them once again for deciding the question of a general inspection and recount. The law as enunciated in *Ram Sewak Yadav v. Hussain Kamil Kidwal* and others, AIR 1964 SC 1249, is to be found in para 7 which may be reproduced with advantage:—

"An order for inspection may not be granted as a matter of course having regard to the insistence upon the secrecy of the ballot papers, the Court would be justified in granting an order for inspection provided two conditions are fulfilled:

- (i) That the petition for setting aside an election contains an adequate statement of the material facts on which the petitioner relies in support of his case; and
- (ii) the Tribunal is *prima facie* satisfied that in order to decide the dispute and to do complete justice between the parties inspection of the ballot papers is necessary.

But an order for inspection of ballot papers cannot be granted to support vague pleas made in the petition not supported by material facts or to fish out evidence to support such pleas. The case of the petitioner must be set out with precision supported by averments of material facts. To establish a case so pleaded an order for inspection may undoubtedly, if the interests of justice require, be granted."

The position in *Dr. Jagjit Singh. v. Giani Kartar Singh* AIR 1966 SC 773, was quite parallel to the one which obtains in the present case. It will be useful to first refer to the judgment of this Court which on the point for consideration was delivered by me on 29th May, 1964, sitting in a Division Bench (FAO No. 3E of 1964). There the material facts which were stated with regard to the irregularities were these:—

- (1) "Some female members of the counting staff were returned candidates and they were wearing rings on their fingers which appeared to be like stamps used at the time of marking the ballot papers. During the course of counting these rings were freely used by such female members and marks were placed on ballot papers which rendered them invalid as bearing Officer and his staff in this manner were able to make a large number of valid votes polled in favour of the petitioner invalid.
- (2) From the very start the Returning Officer commenced rejecting votes illegally which he could not reject under the Rules and he tried to help the returned candidate by reducing the number of petitioner. As many as 1388 votes were rejected by the Returning Officer as invalid although 1100 votes out of them were valid and had been cast in favour of the petitioner.
3. The Returning Officer did not maintain a blackboard as was his duty to write down the polling results for every candidate and for every

polling Station. He himself wrote down the polling results in his own form and did not allow the petitioner or his counting agents to know the exact position. He was very sympathetic towards the returned candidate and kept him apprised of the latest result of the counting.

- (4) The petitioner suspected during the course of the counting that bundles of the ballot papers were not rightly counted by the counting staff and the counting figures were being inflated in favour of respondent No. 1.
- (5) On the request of the petitioner a recount was ordered of three polling stations. Some ballot papers having two marks on two symbols were found in the bundle of the returned candidate which had been accepted whereas similar ballot papers were rejected in the case of the petitioner.

The returned candidate in that case had been elected by a majority of 897 votes. The Tribunal set aside the election and declared it void after a recount. The election petitioner was found to have obtained 79 votes more than the returned candidate. One of the main points which had been canvassed related to the correctness of the order of the Tribunal allowing inspection, scrutiny and recount. After discussion the relevant authorities and the evidence which was led, it was held that the election petitioner had not given particulars of the polling stations at which the votes alleged to have been rejected were polled nor the reasons for which they were rejected by the Returning Officer and that no particulars had been given with regard to the number of votes cast in favour of the returned candidate which allegedly had been accepted although they ought to have been rejected. This is what was further observed on this aspect of the case:—

“Now, these allegations did not satisfy the requirements of the law as laid down in the aforesaid two decisions of the Supreme Court. No lists of the votes intended to be objected to or the heads of the objection to each of these votes were given, which seems to be the essence of the rule to be found in Halsbury which was approved by their Lordships in *Jabar Singh's case*. I am “therefore, of the view that the allegations contained in the election petition of Dr. Jagjit Singh did not contain an adequate statement of the material facts and an inspection of ballot papers, in these circumstances, could not be granted to support vague pleas which were to be found in the petition or to fish out evidence to support such pleas.”

It is significant that although after recount it was found that the election petitioner had secured a larger number of votes, the appeal was allowed by the Division Bench and the order of the Tribunal was set aside on the ground that there was no *prima facie* case for allowing inspection of the ballot papers and a recount. An appeal was taken against the judgment of the Division Bench to the Supreme Court. Their Lordships upheld the judgment and reiterated the principles previously enunciated in the matter of allowing inspection for the purpose of examining the allegations made regarding improper reception or rejection of the ballot papers. The relevant rules in the matter were considered at length and it has been observed that the election petitioner has ample opportunity to examine the voting papers before they are counted and in case the objections raised by him or his election agent have been improperly overruled he knows precisely the nature of the objections raised by him and the voting papers to which those objections related. It is in the light of this background that Section 83(1) of the Act has to be applied to the objections made for inspection of ballot boxes. Such an application must contain a concise statement of the material facts. The statement of material facts in that case was considered and at page 785 it was said:—

“We have carefully considered the allegations made by the appellant in his election petition as well as those made by him in his application for inspection and we are satisfied that the said allegations are very vague and general and the whole object of the appellant in asking for inspection was to make a fishing enquiry with a view to find out some material to support his case that respondent had received some invalid votes and that the appellant had been denied some valid votes. Unless an application for inspection of ballot papers makes out a proper case for such inspection, it would not be right for the Tribunal to open the ballot boxes and allow a party to inspect the

ballot papers and examine the validity or invalidity of the ballot papers contained in it. If such a course is adopted it would inevitably lead to the opening of ballot boxes almost in every case and that would plainly be inconsistent with the scheme of the statutory rules and with the object of keeping the ballot papers secret."

Mr. Nehra has relied a great deal on a judgment of a learned Judge of the Bombay Court in Election Petition No. 5 of 1967 decided on 1st September, 1967. It was held *inter alia* :—

- (a) it is not necessary that serial numbers of the ballot papers challenged by the petitioner must be stated in the petition. It is open to the petitioner to give such particulars other than the serial numbers of the ballot papers as the Court might consider to be adequate having regard to the facts of the case.
- (b) the right of inspection is limited to rejected ballot papers alone and in respect of ballot papers which are alleged to have been wrongfully rejected, the law does not confer the right of inspection on the candidates or their counting agents.

After dealing with the specific ground raised in that case for challenging the election, the learned judge allowed inspection of all ballot papers which were rejected in the entire constituency and ballot papers accepted at certain centres. Mr. Nehra further sought to rely on *Hukam Singh v. Banwari Lal Bhipra and others*, AIR 1965 Allahabad 552 and *Begam Mafida Ahmed v. Rajendra Nath Barua and another*, AIR 1965 Assam 62. All these case were naturally decided on their facts. But with the utmost respect, the law which has been declared by the Supreme Court is binding and the decision in *Dr. Jagjit Singh's case* has dealt with all the necessary points which have arisen before me in this case.

I have in the earlier part of the judgment reproduced verbatim the allegations made with regard to the illegalities and irregularities alleged to have been committed in the matter of illegal rejection and acceptance of votes. The only specific allegations which are contained in the petition are to be found in clause (vi) of sub-para (b) of para 13. All that was stated was that at two polling stations, namely, 10 and 11, three votes cast in the petitioner's favour were found placed inside the bundles earmarked for the respondent. Moreover, Fateh Chand Vij detected two instances of 6 and 9 votes each having been placed in the bundles of the respondent. In sub-para (c) the only specific matters mentioned is that out of 13876 rejected votes at least 1900 valid votes cast in the petitioner's favour have been arbitrarily rejected. In sub-para (e), there was a general allegation that all valid and invalid votes were included in the count of the respondent. The number of such votes pointed out was more than 550, I fail to see how these facts are in any way more specific and detailed than those which were to be found in *Dr. Jagjit Singh's case*. It is abundantly clear that the tests which have been laid down in no uncertain terms by their Lordships have not been fulfilled. I would be fully justified in repeating what was observed by me sitting in Division Bench in *Dr. Jagjit Singh's case* that the election petitioner has not given particulars of the polling stations at which the votes alleged to have been rejected were polled not the reason for which they were rejected by the Returning Officer. The bald statement that 1900 valid votes cast in the petitioner's favour have been arbitrarily rejected is altogether vague for fulfilling the requirements of the law. The least that should have been done was to categorise such votes according to the grounds on which they were rejected and the polling stations where that was done. The position is similar with regard to the allegation that a number of votes which ought to have been rejected were included in favour of the respondent. The lists of the votes intended to be objected to or the heads of the objections to each of these votes was not given and the allegations which have been made in the petition clearly suffer from the infirmity of deficiency of material facts. The attempt on the part of the petitioner, therefore, to ask for scrutiny and inspection and recount is clearly one of making a roving or fishing enquiry in the ballot boxes so as to justify the claims that the returned candidate's election is void.

Mr. Nehra has referred to the evidence led by the petitioner giving certain details and the grounds of rejection of the ballot papers. So far as the reasons for rejection are concerned an objection was taken to the reception of that part of any such alleged irregularity having been committed. I see no reason or any particulars or material facts stated in the petition such evidence could not be allowed. In my opinion, the objection to the reception of such evidence is

well founded and although I have narrated it while giving summary of the evidence of the witnesses, it is not possible to look into that evidence in the complete absence of similar or proper allegations in the petition. Mr. Nehra says that particulars were given about the ballot papers which had been cast in favour of the petitioner having been placed in the bundles earmarked for the respondent but these particulars were confined only to clause (vi) of sub-para (b) of para 13 of the petition which admittedly do not make any material difference. The petitioner's evidence being interested in the sense that it consists of most of the candidates who contested the Assembly elections from the Jan Sangh party to which the petitioner belongs or who were either his election agents or counting agents or his own statement cannot, be regarded as reliable and in some parts relevant for the purpose of deciding whether the ballot papers were illegally rejected or accepted for the reasons given by them.

The various complaints which were filed in writing by the petitioner have been adverted to and Mr. Nehra agrees that the allegations relating to ballot papers having been put in wrong bundles were confined only to the polling stations in Babain and Jundla segments. Now the Returning Officer allowed a recount in respect of these segments and as a result of it the respondent's count increased on the 23rd February, 1967. Thereafter the petitioner dissociated himself and refused to take part in further recounting as has been found by me previously. The petitioner cannot now turn round and make a grievance and ask for recount of all the segments in the entire constituency including those about which he had not grievance whatsoever and where he won a preponderant majority of votes.

Mr. Nehra says that in Civil Miscellaneous No. 89E of 1961, he has brought out certain facts which cannot be overlooked and which if found to be true should be decisive in the matter of ordering inspection and scrutiny of all the ballot papers as also a recount. In my order dated 23rd November, 1967, this matter has been dealt with. In short, it has been alleged in the said petition that pursuant to the direction of the Full Bench while the Naib Tehsildar was trying to take out the ballot papers relating to tendered votes and the corresponding ballot papers alleged to have been cast by some persons earlier by false impersonation etc. in respect of Khalsa Jaurasi polling station it was found that a very large number of ballot papers in which votes had been cast in favour of the petitioner had been counted in favour of the respondent. In particular, mention has been made of a bundle containing 50 votes on top of which a ballot paper bearing No. 351341 in which the vote had been cast in favour of the respondent had been placed. Below this ballot paper the other ballot papers in which the votes had been cast in favour of the petitioner had been put. All the 49 ballot papers in which the votes had been cast in favour of the petitioner had been illegally and male fide counted in favour of the respondent as the ballot paper on the top of the bundle contained a vote in his favour. In the first place there was no allegation in the petition about this matter. Secondly, Khalsa Jaurasi was in the Samalkha segment and no complaint was ever made even at the time of counting of any such alleged irregularity having been committed. I see no reason or justification for acceding to the prayer made in the petition for allowing inspection and scrutiny of the ballot papers mentioned therein. Mr. Nehra had contended that inspection and scrutiny relating to the aforesaid ballot papers would show how irregularities were committed in the matter of putting ballot papers in proper bundles and, therefore, all the ballot boxes should be inspected in order to see whether similar irregularities had been committed or not. He has also reiterated the fact that in the recrimination petition, allegations were made about various irregularities in the matter of acceptance and rejection of votes and a recount was asked for. But it is common ground that at the stage of evidence no such facts were averred or deposed to on behalf of the respondent regarding irregularities in the matter of putting all the ballot papers in wrong bundles. On the contrary, the witnesses produced by the respondent maintain that no irregularity or illegality was committed. Mr. Nehra has relied on the order of the Full Bench which was made in connection with production, inspection and scrutiny of postal ballots and tendered votes etc. But their inspection etc. was allowed because the Full Bench felt satisfied that a *prima facie* case had been made out and that proper and material facts had been stated in the petition which would justify the grant of prayer for inspection and scrutiny to the extent it was allowed. It is not possible to see how that order can be availed of by the petitioner for asking for inspection and scrutiny of all the ballot papers relating to the entire Parliamentary Constituency and for a total recount. It is true that the margin between the votes polled by the respondent and the petitioner is fairly narrow but that by itself is not sufficient to accede to the prayers made on behalf of the petitioner in the matter of inspection of all the ballot boxes and a total recount which are

hereby declined. It will not be out of place to add that Mr. Nehra had, at crucial stages of trial, sought to abide by the result of the inspection and scrutiny of the postal ballots and the tendered votes and the prayer for a general inspection was at first made more or less in a halfhearted manner. When, however, it was found that as a result of the inspection of the aforesaid postal ballots and ballots relating to tendered votes the result of the election would not be materially affected. Mr. Nehra started pressing his prayer for a total and general inspection and recount which must be refused owing to the deficiency of material facts in the election petition and no *prima facie* case having been made out in that behalf.

My conclusion on issues 1 to 6 and 11 to 14 may be summarised as follows:—

- (1) Although there was some deviation from the original schedule in respect of the dates of counting, the petitioner was aware and had notice thereof. It has not been established that any prejudice was caused to him by the aforesaid deviation.
- (2) The petitioner has failed to prove that 1900 or more votes cast in his favour were improperly rejected. It has not also been satisfactorily proved how many votes cast in favour of the petitioner were placed inside the bundles earmarked for the respondent.
- (3) The petitioner has been unsuccessful in showing that the Assistant Returning Officer and the Returning Officer adopted a partisan attitude and took the side of the respondent.
- (4) The Returning Officer was perfectly justified in allowing recount only of the three segments mentioned in the order dated 23rd February, 1967.

The petitioner has neither alleged the material facts nor has been able to establish a *prima facie* case for inspection and scrutiny of all the ballot boxes and for a total recount.

As regards issue No. 20, reference has been made to the evidence of PW 31 Lachhman Dass and PW 38 Daulat Ram in the order of the Full Bench dated 16th October, 1967. Their evidence is only to be read to be disbelieved. Moreover RW 13 Bhagwat Sarup, who was Superintendent of Police at Karnal when the elections were held in 1967, altogether refuted the allegation that he had got issued all the postal ballots to the Police Constables at Karnal and had got a mark put in favour of the respondent on those ballot papers. He stated in categorical terms that he did not take any part either in the applications which were made for the issuance of those ballot papers or their receipt or their despatch and delivery to the Returning Officer. He did not know PW 31 Lachhman Dass nor could he say if the latter had ever gone to see him during the election days. The issue is, therefore, decided against the petitioner.

On Issue No. 21 PW 26 Kali Ram and PW 27 Manphul gave evidence. The former belongs to village Dodhpur. The polling station for that village was at Naraina which is at a distance of about a mile from Dodhpur. According to him a truck came to his village for carrying the voters of the respondent to the polling station. He and his son, Hoshiara, and certain other persons went in that truck. While they were going in the truck, his son was standing on one side and on that side, the truck passed very close to a kikar tree. The branches of that tree hurt his son badly and virtually tore his body. He was removed to a hospital at Samalkha and he died soon after admission. He stated, "we were told that the truck belonged to Madho Ram, respondent. In that truck, there was a driver accompanied by another person." He admitted that he never told the Police that he and his son were being taken in the truck for casting votes in favour of the respondent. He could not tell the name of the driver or of the other person who had said to him that all those persons were being taken for casting votes in favour of the respondent. The second witness Manphul also stated that a truck came to transport certain persons from his village Dodhpur on the date of polling. About 40-45 persons went in it. He went on to state—"It was being said that the truck belonged to the Congress. In other words, it was being said that the truck was of the respondent. It was being said that the truck had been hired by him." I am unable to hold on this type of evidence which is more or less of hearsay nature that the corrupt practice of conveyance of voters in the truck No. PNK 2039 was committed as alleged in the petition. This issue is decided against the petitioner.

On Issue No. 22, the petitioner has produced PWs 24 Daya Chand and PW 25 Dalip Singh. The first witness who belongs to village Sondhanur, stated that he

had to cast his vote in the Binjhol polling station. A truck of Malik Lal Chand, brick-kiln owner, came to his village at 7.00 a.m. Malik Lal Chand asked several of the villagers to sit in the truck for going to the polling station for casting votes and about 30/40 persons went in that truck for that purpose. He admitted that he had taken the slip giving particulars relating to him from the camp of the petitioner. He appears without receiving any summons. He maintained that since the date of polling he had not met the petitioner. The second witness deposed that on the date of polling he saw that voters were being brought by Malik Lal Chand from village Sondhapur in a truck bearing No. 6038. When questioned about that getting a slip from the camp of the petitioner, this witness gave vague answers and was not prepared to reply to the question in a straightforward way. He never received any summons for appearance in Court. RW 1 Lal Chand, brick-kiln owner stated that he owned truck bearing No. PNK. 6038. According to him, he had never been asked by the respondent to carry any of the electors in his truck nor did his truck carry any such electors. He affirmed that on the date of polling neither he nor the driver of his truck transported any of the electors to the Pinjhol polling station. The evidence of the witness produced by the petitioner on the face of it is altogether unsatisfactory for the purpose of establishing the charge that Lal Chand Malik has transported some of the electors, in his truck with the consent of the respondent. I would find this issue against the petitioner.

On Issue No. 23, only one witness has been produced by the petitioner PW 30 Dharam Singh of village Binjhol stated that a meeting was held at Qilla Grounds at Panipat a week before the date of polling. The meeting was stated to have been convened at the instance of the Congress candidate, namely, the respondent. There was a large gathering where one Lamba Sahib was speaking. He was followed by the respondent. They said that the petitioner was that Swami who had slaughtered family after family of Muslims during the partition days and he wanted all the Muslims to be sent out to Pakistan. The Muslims who were present in large numbers in the meeting were heard saying that the petitioner was a very dangerous person and that votes should not be cast in his favour. According to him this meeting had been held on 11th February, 1967. A number of other speakers also spoke but he could not mention their names. He admitted that he did not attend any other meeting. The respondent has produced RW 5 Khem Chand, RW 6 Kundan Lal and RW 25 (respondent himself) in rebuttal. According to RW 5 Khem Chand, it was necessary to obtain permission of the Municipal Committee for holding a meeting in the Qilla Grounds at Panipat. No application was made to the Committee for any permission to hold a meeting on 12th February, 1967; but such an application had been made by Dr. Ramji Lal for holding a meeting, on 11th February, 1967, Kundan Lal Lamba stated, he did not address any meeting on the 12th February, 1967, in the Qilla Grounds at Panipat. He denied having levelled any personal allegations against the petitioner. He stated categorically that he never addressed any meeting in the Qilla Grounds at Panipat on 11th or 12th February, 1967. The respondent who appeared as RW 25, admitted in cross examination that a meeting had been held on 11th February in the Qilla Grounds at Panipat but stated that he never attended it. On this evidence, I find it difficult to hold on Issue No. 23 that Kundan Lal Lamba or the respondent made the speeches as alleged in paragraph 44(1). This issue is decided against the petitioner.

On Issue No. 24, two witnesses PW 32 Om Parkash Sharma and PW 33 Puran Chand were produced by the petitioner. They deposed to a public meeting having been held in Rana Majra which had been convened by the Congress Party. When Om Parkash went at 12.30 P.M. Shugan Chand was addressing the meeting. He was followed by the respondent. 70-80 per cent of the audience consisted of Muslims. According to Om Parkash, it was said in the speeches that the petitioner wanted Hindu Raj and he wanted to harm the Muslims and that the petitioner had in 1947 exacerbated the feelings of the Hindus by saying that the Muslims treated the Hindus in Pakistan with great cruelty and that they should be treated in the same way in India. He admitted that he did not attend any other political meeting. According to Puran Chand, the respondent had *inter alia* stated that the petitioner was an arch enemy of the Muslims and that he would turn them out of India and that he had got many of the Muslims killed in the riots of 1947. Puran Chand is a resident of Samalkha Mandi whereas Om Parkash is an Ayurvedic Practitioner of Babain. According to Puran Chand, the village Rana Majra was at a distance of about ten to eleven miles from Samalkha and the road was Katcha; but he had gone to village Keshpur to see Sadhu Ram, who had an oil-engine, which was at a distance of a mile or a mile and a half from Rana

Majra. He admitted that he and his family had known the petitioner for a very long time. He did not attend any other meeting. To rebut this evidence, the respondent produced RW 2 Haji Sher Jang, who stated that no meeting was held at Rana Majra on behalf of the Congress Party in his village during the elections in 1967. He admitted that he generally used to go to attend the Jumma prayers on Fridays to Panipat. Kitaboo RW 3, another Muslim resident of village Rana Majra, made a similar statement. RW 4 Shugan Chand stated that he never accompanied the respondent to any meeting at village Rana Majra during the elections held in 1967. I do not consider that it would be safe to find the allegations on which Issue No. 24 was framed as proved on the type of evidence which has been produced by the petitioner which has not struck me as impressive or convincing. I would, therefore, decide Issue No. 24 against the petitioner.

As regards issues 7 to 10 my findings are—

It has not been established that the postal ballot papers on which votes were cast by the police constables on election duty were either received in a lump by Shri Bhagwat Sarup, Superintendent of Police, Karnal or were got marked in favour of the respondent at his instance. Even if there was non-compliance with the rules in the matter of issuance and receipt of the postal ballots such non-compliance has not materially affected the result of the election. The net result of counting of three categories of votes, namely, those cast by the postal ballots and tendered votes (of which inspection and scrutiny was allowed) and the votes cast by dead persons was that the election would not be materially affected in any manner *vide* my order dated 23rd November, 1967.

The corrupt practices covered by issues 20 to 24 have not been proved.

No other issue was pressed.

The only issue which has been pressed and which requires determination in the recrimination petition is issue No. 1, which is as follows:—

"whether the allegations in paragraph 3 of the recrimination petition amount to a correct practice? If so, whether the election petitioner committed the corrupt practices under Section 123(3)(34) and (4) of the Representation of the People Act, as alleged in paragraph 3 of the petition? If so, its effect."

The first instance of the commission of a corrupt practice alleged in the recrimination petition in paragraph 3(ii)(a) is that on 27th January, 1967, the election petitioner, his agents, supporters and workers collected a large number of people near G.T. Road at Panipat and addressed the gathering on lines indicated in the previous paragraphs. In those paragraphs, it has been stated that the election petitioner had been carrying on propaganda to the effect that the returned candidate and Shri Bhagwat Dayal Sharma, the then Chief Minister of Haryana, were responsible for the continuation of cow-slaughter in that state etc. On 27th January, 1967, it was alleged that in the presence of the persons, mentioned in the petition, a she-calf was displayed with garlands around her neck and the election petitioner repeatedly put the butcher's knife near the neck during his speech. RW 20 Ram Lal, who was the counting agent of the respondent in respect of the Karnal and Gharaunda segments stated that on 27th January, he saw a number of people standing near the Punjab National Bank which was situate near the Post Office at Panipat. He had gone to post a letter and he saw the petitioner standing with a knife in his hand. There was also a calf standing. The petitioner was saying that if vote were given to the Congress, it would be tantamount to cow-slaughter. I recorded a note that the manner in which this witness had given evidence conveyed the impression as if he had been tutored by someone. RW 22 Tej Bhan has also deposed to what he saw on 27th January, 1967, in front of the Punjab National Bank. He saw a jeep in which a calf had been seated and the petitioner, who had a knife in his hand, was saying that the giving of votes to the Congress would virtually mean the slaughtering of the calf. He admitted that although he had been much affected at that time by what he saw being a Hindu but substantially he felt that all that was done was merely by way of election propaganda. PW 2 Fateh Chand and the petitioner himself gave evidence in rebuttal. I am not at all impressed by the evidence of witness of the type of Ram Lal and Tej Bhan and, therefore, I would hold that the aforesaid allegation made in the recrimination petition has not been proved.

The next instance on which arguments have been addressed relates to a meeting held in Arya Samaj Mandir in Karnal on 23rd January, 1967, where the petitioner is alleged to have addressed the gathering and made speeches of the nature alleged before. RW 17 Kasturi Lal was produced as the sole witness to prove the allegation. He stated that when he attended the meeting, the petitioner was saying that, apart from other matters, Pandit Bhagwat Dayal, other Congress leaders and the respondent were getting the cows slaughtered and voting for any Congress candidate would lead to the slaughter of cows. The petitioner was further saying that if the cows were to be protected votes should be cast in favour of the Jan Sangh Candidates. He admitted that the speech of the petitioner had no effect on him but there were others who were influenced by it. PW 41 Dewan Chand and PW 42 Brij Bhushan Lal were produced by the petitioner to rebut the aforesaid allegation. Dewan Chand stated that he was the president of the Municipal Committee when the elections took place in 1967. According to him the petitioner came on a Sunday (22nd or 23rd January, 1967) and addressed a gathering after a Havan had been performed. He talked on religious topics and said that he was standing for election and he should be supported. The petitioner did not say anything about cow-slaughter or that if anyone voted for the Congress he would be responsible for cow-slaughter. This witness was elected President of the Municipal Committee as a member of the Jan Sangh party. He is also an active member of the Arya Samaj. His demeanour in cross-examination was not very satisfactory as noted by me. PW 42 Brij Bhushan Lal, a Municipal Commissioner of Karnal, gave a similar statement. He is the Secretary of the Jan Sangh, Karnal City. Although the evidence in rebuttal produced by the petitioner is not very satisfactory, I am not at all impressed with the evidence of RW 17 Kasturi Lal. I do not consider that on his sole testimony the aforesaid allegation can be said to be proved.

The third instance relates to village Pacholia (mentioned as Pacholia in the recrimination petition) in Jundla Assembly Constituency where it is alleged that a similar meeting was convened on 18th February, 1967. RW 10 Ganapat, a Member of the village Panchayat of Pacholia stated that meeting was convened by the petitioner at 10 A.M. in dharamsala known as Rodan Ki Chopal, which was attended by 50 to 100 persons. The petitioner while addressing the meeting had the picture of a cow in his hand and had said *inter alia* that the Congress Party was getting the cows slaughtered. He had also stated that neither Pandit Bhagwat Dayal had stopped the slaughter of cows nor would the respondent do so. On the same evening the villagers, whose number would be about 50, conferred among themselves. They used to previously vote for the Congress but as a result of the speech of the petitioner, they decided to vote neither for the petitioner nor for the respondent. There were about 750 to 800 electors in his village. On being cross-examined, this witness gave the names of Maya, Arjan, Bhagwat Ram, Ram Chander etc. apart from Sadhu Ram and Jai Singh who were present there. He denied the suggestion that in the presence of Man Singh, Banwari and Lalu all the villagers took an oath that they would not vote for the Congress candidate because the road to the village was Kacha and there was no electricity and they were not satisfied with the Congress government in the matter of providing Pucca road or electricity to the village. RW 11 Sadhu Ram, a Sarpanch of the Panchayat of village Pacholia, made a similar statement. According to him, out of the other Panches present were Om Parkash and Amar Singh, apart from RW 10 Ganapat. Banwari and Lalu were present at both the meetings held in the morning and evening on 18th February. RW 12 Jai Singh a Lambardar of that village, deposed in similar terms. He had never met the respondent and had never told him about any of the matters deposed to by him. The petitioner produced PW 39 Banwari Lal, an ex-Sarpanch of the village. According to Banwari Lal, all that the petitioner said was that he was standing for the election and so was the respondent and the votes be given to him. The petitioner did not have any picture or photograph of cow. On the eve of the date of polling the villagers gathered together. Their grievances were that nothing had been done about the drain which was passing along side their village and which used to spoil the crops there as also about constructing some bridges which were necessary on the road which come to the village. The villagers consequently decided that they would not vote for anyone of the candidates. This witness was Rode by caste. PW 40 Lal Singh, a Member of the Panchayat, who is also a Rode by caste, stated that the petitioner came to the village Pacholia on 14th February, 1967. He only said in his speech to the gathering that he was standing for the election and so was the respondent and that the electors should keep him in mind. The petitioner did not have any picture or photograph of a cow nor did he say



any of the other things attributed to him. As regards the gathering of the villagers and the decision taken by them on the evening preceding the date of polling, he made a statement similar to that of the previous witness. The petitioner in his statement denied the allegations made against him.

It has been strenuously urged by Mr. C. L. Lakhanpal that admittedly not a single elector exercised his right of vote from village Pacholia which corroborated the allegations contained in the reprimination petition and the evidence led by the respondent. Mr. Lakhanpal's suggestion is that all the electors got so much infuriated against the respondent who was the Congress candidate on account of what the petitioner had stated in the matter of cow-slaughter and the protection of cows that they decided not to vote for the respondent although it is undisputed that during all the previous elections the electors from this village were the staunch supporters of the Congress party. It is common ground that the witnesses who have appeared for the respondent belong to the Brahmin community to which the respondent belongs whereas the witness produced by the petitioner are Rodes who are non-Brahmins. The evidence which has been led by the respondent does not to my mind establish beyond doubt the allegations made by him. There is every possibility that the villagers decided not to vote for any of the candidates out of sheer disgust as they found that their substantial grievances were not being redressed by any one. I do not consider, therefore, that the aforesaid allegations of corrupt practice made have been fully established.

My conclusion on issue No. 1 in the reprimination petition is that the corrupt practices covered by that issue have not been proved.

In the result both the election petition and the reprimination petition are hereby dismissed but keeping in view the entire circumstances of the case the parties are left to bear their own costs in the election petition as also the reprimination petition.

29th January, 1968.

(Sd.) A. N. GROVER,  
Judge.

[No. 82/HN/8/67.]

By Order,

K. S. RAJAGOPALAN, Secy.

## MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 20th April 1968

**S.O. 1531.**—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 14, 148, of the Constitution and of all other powers enabling him in this behalf and after consultation with the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following regulations further to amend the Civil Service Regulations, namely:—

1. These Regulations may be called the Civil Service (First Amendment) Regulations, 1968.

2. In the Civil Service Regulations, for article 351, the following article shall be substituted, namely:—

“351. (1) Future good conduct shall be an implied condition of every grant of pension. The pension sanctioning authority may, by order in writing, withhold or withdraw a pension or part thereof whether permanently or for a specified period, if the pensioner is convicted of a serious crime or is found guilty of grave misconduct:

Provided that no order shall be passed under this clause by an authority subordinate to the authority competent to make an appointment to the post held by the pensioner immediately before his retirement from service.

- (2) Where a pensioner is convicted of a serious crime by a court of law, action under clause (1) shall be taken in the light of the judgment of the court relating to such conviction.
- (3) In a case not falling under clause (2), if the competent authority under clause (1) considers that the pensioner is *prima facie* guilty of grave misconduct, it shall, before passing an order under clause (1),
  - (a) serve upon the pensioner a notice specifying the action proposed to be taken against him and the ground on which it is proposed to be taken and calling upon him to submit within fifteen days of the receipt of the notice or such further time not exceeding fifteen days as may be allowed by the pension sanctioning authority, such representation as he may wish to make against the proposal; and
  - (b) take the representation, if any, submitted by the pensioner under clause (a) into consideration.
- (4) Where the authority competent to pass an order under clause (1) is the President, the Union Public Service Commission shall be consulted before passing the order.
- (5) An appeal against an order under clause (1) passed by any authority other than the President, shall lie to the President and the President shall, in consultation with the Union Public Service Commission, pass such orders on the appeal as he deems fit.

[No. F. 19(1)-EV/68.]

S. P. MAHNA, Dy. Secy.

## (Department of Economic Affairs)

New Delhi, the 4th May 1968

S.O. 1532—Statement of the Affairs of the Reserve Bank of India, as on the 19th April, 1968

## BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up . . . . .	5,00,00,000	Notes . . . . .	17,41,48,000
		Rupee Coin . . . . .	3,17 000
Reserve Fund . . . . .	80,00,00,000	Small Coin . . . . .	4,01,000
		Bills Purchased and Discounted:—	
National Agricultural Credit (Long Term Operations) Fund .	131,00,00,000	(a) Internal . . . . .	..
		(b) External . . . . .	..
		(c) Government Treasury Bills . . . . .	64,94,78,000
National Agricultural Credit (Stabilisation) Fund . . . .	25,00,00,000	Balances Held Abroad* . . . . .	147,39,46,000
		Investments** . . . . .	192,44,34,000
		Loans and Advances to:—	
National Industrial Credit (Long Term Operations) Fund .	30,00,00,000	(i) Central Government . . . . .	..
		(ii) State Governments@ . . . . .	130,06,57,000
Deposits:—		Loans and Advances to:—	
(a) Government—		(i) Scheduled Commercial Banks† . . . . .	105,17,38,000
(i) Central Government . . . . .	52,78,30,000	(ii) State Co-operative Banks‡ . . . . .	153,81,46,000
(ii) State Governments . . . . .	4,13,25,000	(iii) Others . . . . .	5,23,71,000

LIABILITIES		ASSETS	
	Rs.		Rs.
		Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund :—	
		(a) Loans and Advances to :—	
(b) Banks—		(i) State Governments . . . . .	31,69,62,000
(i) Scheduled Commercial Banks . . . . .	138,78,72,000	(ii) State Co-operative Banks . . . . .	11,20,37,000
(ii) Scheduled State Co-operative Banks . . . . .	7,25,79,000	(iii) Central Land Mortgage Banks . . . . .	..
(iii) Non-Scheduled State Co-operative Banks . . . . .	72,75,000	(b) Investment in Central Land Mortgage Bank Debentures Loans and Advances from National Agricultural Credit (Stabilisation) Fund . . . . .	7,93,62,000
(iv) Other Banks . . . . .	8,93,000		
		Loans and Advances to State Co-operative Banks . . . . .	7,24,03,000
(c) Others . . . . .	326,58,65,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—	
Bills Payable . . . . .	25,66,08,000	(a) Loans and Advances to the Development Bank . . . . .	6,08,93,000
Other Liabilities . . . . .	115,92,64,000	(b) Investment in bonds/debentures issued by the Development Bank . . . . .	..
		Other Assets . . . . .	62,22,18,000
Rupees] . . . . .	942,95,11,000	Rupees . . . . .	942,95,11,000

\*Includes Cash and Short-term Securities.

\*\*Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

† Includes Rs. 86,07,13,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

‡ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 24th day of April, 1968.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 19th day of April 1968

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department .	17,41,48,000		Gold Coin and Bullion:—		
Notes in circulation . . . . .	3337,48,31,000		(a) Held in India . . . . .	115,89,25,000	
Total Notes issued . . . . .		3354,89,79,000	(b) Held outside India . . . . .	166,42,00,000	
			Foreign Securities . . . . .		
			TOTAL . . . . .		282,31,25,000
			Rupee Coin . . . . .		75,20,43,000
			Government of India Rupee Securities . . . . .		2997,38,11,000
			Internal Bills of Exchange and other Commercial paper . . . . .		
TOTAL LIABILITIES . . . . .		3354,89,79,000	TOTAL ASSETS . . . . .		3354,89,79,000

Dated the 24th day of April 1968.

L. K. JHA,  
Governor.

[No. F. 3(3)-BC/68.]

V. SWAMINATHAN, Under Secy.

## CENTRAL BOARD OF DIRECT TAXES

## CORRIGENDA

*New Delhi, the 25th April 1968*

**S.O. 1533.**—In exercise of the powers conferred by Section 126 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendment to its Notification S.R.O. 1214 (No. 44-Income-tax) dated 1st July, 1952:

In the Schedule to the said notification, against S. No. 9, for the existing entry in column 4, the following entry shall be substituted:

"Inspecting Assistant Commissioner of Income-tax, P-Range, Bombay".

[No. 6-F. No. 55/129/67-IT(A. II).]

**S.O. 1534.**—In exercise of the powers conferred by section 126 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendment to the Schedule annexed to its Notification No. 1 (F. No. 55/233/63-IT), dated the 18th May, 1964:

In the said Schedule against Serial No. 9, for the existing entries in columns 4 and 5, the following entries shall be substituted:

Col. 4: "Inspecting Assistant Commissioner of Income-tax, Shillong Range, Shillong".

Col. 5: "Appellate Assistant Commissioner of Income-tax, Gauhati Range, Gauhati".

[No. 7-F. No. 55/129/67-IT(A. II).]

**S.O. 1535.**—In exercise of the powers conferred by section 126 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendment to its Notification No. 2 (F. N. 55/127/64-IT), dated the 26th March, 1966:

The designation of Income-tax Officers as appearing in sub-paras (i) and (ii) shall be substituted as under:

Sub-para (i): For "the Income-tax Officer, Pondicherry"

Read "the Income-tax Officer, Circle I(1), Pondicherry".

Sub-para (ii): For "the 1st Income-tax Officer, Nagapattinam"

Read "the income-tax Officers, Circle I(1), Circle I(2) and I(3), Nagapattinam.

[No. 8-F. No. 55/129/67-IT.]

**S.O. 1536.**—In exercise of the powers conferred by section 126 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendment to the Schedule annexed to its Notification No. 1 (F. No. 55/233/63-IT), dated the 18th May, 1964:

In the said schedule against serial No. 10 for the existing entries in column 5, the following entries shall be substituted:

"Appellate Assistant Commissioner of Income-tax in their respective ranges."

[No. 9-F. No. 55/129/67-IT.]

A. RAGHAVENDRA RAO, Under Secy.

## OFFICE OF THE COLLECTOR OF CENTRAL EXCISE, POONA

## CENTRAL EXCISES

*Poona, the 17th April 1968*

**S.O. 1537.**—In exercise of the powers vested in me under Rule 5 of the Central Excise Rules, 1944, I empower the following officers in the Poona Central Excise

Collectorate, to exercise within their respective jurisdictions the powers of the Collector under Rule 191-B(5) of the Central Excise Rules, 1944, subject to the limitations specified against each:—

Where the duty evolved in each case does not exceed

(1) Dy. Collectors	Rs. 10,000/-
(2) Asstt. Collectors	Rs. 1,000/-
(3) Superintendents	Rs. 250/-

[No. C.E.R.-1/68.]

D. N. LAL, Collector.

### MINISTRY OF COMMERCE

(Office of the Chief Controller of Imports & Exports)

#### ORDER

New Delhi, the 20th April 1968

**S.O. 1538.**—Messrs. Formica India Ltd., 9, Wallace Street, Bombay-1, were granted licence No. P/RM/2161186, dated 8th December, 1967 for import of Rotogravures Cylinders (after repairs) valued at Rs. 1,40,000/-. They have applied for issue of a duplicate copy thereof for Exchange Control purposes only on the ground that the original has been misplaced/lost without having been registered with any Bank authority and utilised at all.

In support of this contention M/s. Formica India Ltd., Bombay have produced an affidavit. The under-signed is satisfied that the original Exchange Control copy of the licence has been lost/misplaced. Therefore, in exercise of the power conferred under clause 9(cc) of the Import (Control) Order 1955, dated 7th December 1955, as amended, the Original Exchange Control Copy of the said licence is hereby cancelled.

A duplicate copy for Exchange Control Purposes of the licence is being issued.

[No. Plastic/19(88)/66-67/RM.6/28.]

P. C. VERMA,

Dy. Chief Controller of Imports and Exports.

(Office of the Chief Controller of Imports and Exports)

#### ORDER

New Delhi, the 22nd April 1968

**S.O. 1539.**—In exercise of the powers conferred by clause 9 of the Imports Control Order, 1955, dated the 7th December, 1955, as amended from time to time, the undersigned hereby cancels Import Licence No. G/DG/2105602/C/XX/24/CH/19-20, dated the 15th February, 1967 (both copies not utilised) for the import of Switchgear and Accessories valued at Rs. 3,11,754/- issued in favour of M/s. Crompton Greaves Ltd., 124-Janpath, New Delhi.

The reason for cancellation is that the licensee agreed to supply indigenous material instead of imported material.

[No. 46-G/Cont./66-67/GLS/15.]

S. A. SESHAN,

Deputy Chief Controller of Imports & Exports.  
for the Chief Controller of Imports & Exports.

## MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION

(Department of Co-operation)

New Delhi, the 19th April 1968

**S.O. 1540.**—In exercise of the powers conferred by Section 5-B of the Multi-unit Cooperative Societies Act, 1942 (8 of 1942), the Central Government hereby directs that all the powers or authority exercisable by the Central Registrar of Cooperative Societies under the said Act, shall also be exercisable by Shri P. N. Sahni, Director of Industries, Haryana, in respect of the Multi-Unit Industrial Cooperative Societies which are or are deemed to be actually registered in the State of Haryana, including those societies which have become multi-unit societies consequent on the re-organisation of the Punjab State on 1st November, 1966, under the Reorganisation Act, 1966.

[No. 7-4/67-Credit.]

V. V. NATHEN, Dy. Secy.

(Department of Agriculture)

### CORRIGENDUM

New Delhi, the 23rd April 1968

**S.O. 1541.**—In this Ministry notification of even number dated 13th March, 1968 constituting a Committee for Controlling and Supervising Experiments on Animals, please read "The Deputy Director General (H.A.), Directorate General of Helath Services, New Delhi" in place of the existing entry against serial No. 4.

[No. 19-2/67-L.D.III]

SANTOKH SINGH, Under Secy.

## MINISTRY OF HEALTH FAMILY PLANNING AND URBAN DEVELOPMENT

(Department of Health & Urban Development)

New Delhi, the 22nd April 1968

**S.O. 1542.**—The following draft of rules further to amend the Drugs and Cosmetics Rules, 1945, which the Central Government proposes to make, after consultation with the Drugs Technical Advisory Board, in exercise of the powers conferred by sections 12 and 33 of the Drugs and Cosmetics Act, 1940 (23 of 1940), is published, as required by the said sections for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 15th July, 1968.

2. Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government:—

### Draft Rules

1. These rules may be called the Drugs and Cosmetics (Amendment) Rules, 1968.

2. In the Drugs and Cosmetics Rules, 1945,—

(1) after rule 67-E, the following rule shall be inserted, namely:

"67-EE. *Certificate of renewal.*—The certificate of renewal of a sale licence in Forms 20-C and 20-D shall be issued in Form 20-E"



(2) In Schedule A, after the Form 20-D, the following Form shall be inserted, namely:

**FORM 20-E**

(See rule 67-EE)

**Certificate of renewal of licence to sell, stock or exhibit for sale or distribute Homoeopathic medicines**

Number of licence and date of issue.....

1. Certified that licence No.....in Form 20-C/20-D granted on the .....to.....for sale of Homoeopathic medicines at the premises situated at.....has been renewed for a period from.....to.....

2. Name of competent person incharge

Date.....Licensing

Authority.....'

[No. F.1-14/67-D.]

**S.O. 1543.**—The following draft of rules further to amend the Drugs and Cosmetics Rules, 1945, which the Central Government proposes to make, after consultation with the Drugs Technical Advisory Board, in exercise of the powers conferred by sections 12 and 33 of the Drugs and Cosmetics Act, 1940 (23 of 1940), is published as required by the said sections for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 15th July, 1968.

2. Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government:—

**Draft Rules**

1. These rules may be called the Drugs and Cosmetics (Amendment) Rules, 1968.

2. In the Drugs and Cosmetics Rules, 1945, in rule 43-A,

(1) the entry "Castle Rock Railway Station:

In respect of drugs imported by rail across the frontier with Goa" shall be omitted;

(2) For the entry,

"Madras, Calcutta Bombay and Cochin:

In respect of Drugs imported by sea into India"

the following entry shall be substituted, namely:—

Madras, Calcutta, Bombay, Cochin and Goa:

In respect of drugs imported by sea into India.

[No. F. 1-17/67-D.]

AMAR NATH VARMA, Under Secy.

(Department of Health)

New Delhi, the 22nd April 1968

**S.O. 1544.**—In exercise of the powers conferred by sub-section (4) of section 13 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendment in Part II of the Third Schedule to the said Act, namely:

In the said Part of the Third Schedule, for the existing entry "General Physician (Mowcow Medical Institute, Mowcow)" the following entry shall be substituted, namely:

"General Physician (Mowcow Medical Institute, First and Second Moscow)".

[No. F.18-79/65-MPT.]

*New Delhi, the 26th April 1968*

**S.O. 1545.**—Whereas in pursuance of the provisions of clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), Dr. N. P. Benawari, Dean Government Medical College, Jabalpur, has been elected by the members of the Court of the University of Jabalpur to be a member of the Medical Council of India with effect from the 7th February, 1968 *vice* Dr. D. S. Choudhary.

Now, therefore, in pursuance of the provisions of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Health No. 5-13/59-MI, dated the 5th January, 1960, namely:—

In the said notification, under the heading "Elected under clause (b) of sub-section (1) of section 3", for the entry against serial No. 13, the following entry shall be substituted, namely:—

"Dr. N. P. Benawari, Dean, Government Medical College, Jabalpur".

[No. F. 4-26/67-MPT.]

### ORDER

*New Delhi, the 22nd April 1968*

**S.O. 1546.**—Whereas the Government of India in the Ministry of Health and Family Planning has, by Notification No. F. 18-13/66-MPT, dated the 3rd June, 1966 made, in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification "M.D. (Women's Medical College of Pennsylvania Philadelphia, Pennsylvania U.S.A.) for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby specifies a further period of two years with effect from the 8th December, 1966 or so long as Dr. Sister Mary Liguori Cantlin who possesses the said qualification, continues to work in the Mercy Hospital, Jamshedpur to which she is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. Sister Mary Liguori Cantlin shall be limited; provided that the said doctor continues to be enrolled as a medical practitioner for the said period in accordance with the law regulating the registration of medical practitioners in her country.

[No. F.19-13/67-MPT]

L. K. MURTHY, Under Secy.

### MINISTRY OF RAILWAYS

(Railway Board)

*New Delhi, the 20th April 1968*

**S.O. 1547.**—In exercise of the powers conferred by section 85 of the Indian Railways Act, 1890 ( 3 of 1890), read with notification of the Government of India in the late Department of Commerce and Industry No. 801 dated the 24th March, 1965, the Railway Board hereby makes the following amendments in the Rules for the preparation of accident returns, published with the notification of the Government of India in the Ministry of Railways (Railway Board) No. S.O. 3312 dated the 31st August, 1964, namely:—

In the said rules,—

(a) In rule (4), under the heading "V. Definition of train accidents",—

(i) for paragraph (iv), the following paragraph shall be substituted, namely:—

"(iv) Accidents to trains shall be accounted for by the Railway which exercises jurisdiction over the site of accident. Engine failures shall be accounted for by the Railway owning the engines.";

(ii) Paragraph (v) shall be omitted.

- (b) In the statement of Accidents, in Table I, in item 3:01, for the existing headings (a) and (b), the following headings shall be substituted, namely:—

“(a) Passenger and mixed trains—

- (i) in Electric and diesel locomotives
- (ii) in high tension compartment of Electric Multiple Unit stock
- (iii) other cases
- (iv) total.

(b) Other trains—

- (i) in Electric and diesel locomotives
- (ii) Other cases
- (iii) total.”

[No. 68/Stat.I/32/Genl.]

C. S. PARAMESWARAN, Secy.

## MINISTRY OF TOURISM AND CIVIL AVIATION

*New Delhi, the 20th April 1968*

**S.O. 1548.**—In exercise of the powers conferred by sub-section (1) of section 41 of the Air Corporations Act, 1953 (27 of 1953) and in partial modification of the notification of the Government of India in the Ministry of Tourism and Civil Aviation No. 20-AC(14)/67, dated the 2nd February, 1968, the Central Government, in consultation with Air-India, hereby appoints Prof. Ravi J. Matthal as a Member of the Advisory Committee of Air-India vice Shri M. A. Chidambaram.

[No. 20-AC(14)/67.]

T. ARUMUGHAM, Dy. Secy.

## DEPARTMENT OF COMMUNICATIONS

(P. & T. Board)

*New Delhi, the 20th April 1968*

**S.O. 1549.**—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627, dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 15th May, 1968 as the date on which the Measured Rate System will be introduced in Udupi Telephone Exchange.

[No. 5-59/68-PHB(4).]

*New Delhi, the 22nd April 1968*

**S.O. 1550.**—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627, dated 8th March, 1960 the Director General, Posts and Telegraphs, hereby specifies the 1st June, 1968 as the date on which the Measured Rate System will be introduced in Barupur Telephone Exchange.

[No. 5-43/68-PHB]

*New Delhi, the 23rd April 1968*

**S.O. 1551.**—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 16th May 1968 as the date on which the Measured Rate System will be introduced in Katni Telephone Exchange.

[No. 5-60/68-PHB(2).]

D. R. BAHL,  
Assistant Director General (PHB).

## संचार विभाग

(डाक-तार बोर्ड)

नई दिल्ली, 18 अप्रैल 1968

एस० ओ० 1552.—स्थायी आदेश क्रमसंख्या 627 दिनांक 8 मार्च 1960 द्वारा लागू किये गए 1951 के भारतीय तार नियमों के नियम 434 के खंड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने उदिपी टेलीफोन केन्द्र में 15-5-68 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[सं० 5-59/68 पी० एच० बी० (4).]

नई दिल्ली, 22 अप्रैल 1968

एस० ओ० 1553.—स्थायी आदेश क्रमसंख्या 627 दिनांक 8 मार्च 1960 द्वारा लागू किए गए 1951 के भारतीय तार नियमों के नियम 434 के खंड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने बराईपुर टेलिफोन केन्द्र में 1-6-68 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[सं० 5-43/68 पी० एच० बी०]

नई दिल्ली, 23 अप्रैल 1968

एस० ओ० 1554.—स्थायी आदेश क्रमसंख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गए 1951 के भारतीय तार नियमों के नियम 434 के खंड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने कटनी टेलीफोन केन्द्र में 16-5-68 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[सं० 5-60/68-पी० एच० बी०]

डी० आर० बहल,

सहायक महानिदेशक (पी० एच० बी०)।

(P. &amp; T. Board)

New Delhi, the 26th April 1968

S.O. 1555.—In exercise of the powers conferred by section 21 of the Indian Post Office Act, 1898 (6 of 1898), the Central Government hereby makes the following rules further to amend the Indian Post Office Rules, 1933 namely;

1. These rules may be called the Indian Post Office (Third Amendment) Rules, 1968.

2. In rule 183 of the Indian Post Office Rules, 1933, after clause (ccc), the following clause shall be added, namely:

“(ddd) The Director of the Indian School of Mines, Dhanbad, provided that the articles posted by him relate solely to the business of the said School.”

[No. 24/1/68-CI.]

V. E. ARUNACHALAM,  
Director Postal Technical.

## DELHI DEVELOPMENT AUTHORITY

### PUBLIC NOTICE

*New Delhi, the 4th May 1968*

**S.O. 1556.**—Notice under Section 10(1) of the Delhi Development Act, 1957 (No. 61 of 1957) read with rule 5 and 15 of the Delhi Development (Master Plan and Zonal Development Plan) Rules, 1959.

Notice is hereby given that:—

1. (a) a draft of the zonal development plan for each of the following zones, namely—

G-1 (Najafgarh Road Industrial area)

G-4 (Nangal Sub-Station)

F-18 (Tuglakabad) and

I-1 (Narela)

has been prepared; and

(b) a copy thereof will be available for inspection at the following offices between the hours of 11-00 A.M. and 3-00 P.M. on all working days except Saturdays, till the date mentioned in paragraph 3 hereinafter:—

(1) Office of the Delhi Development Authority, Delhi Vikas Bhawan, I.P. Estate 'D', New Delhi,

(2) Office of the New Delhi Municipal Committee, Town Hall, New Delhi,

(3) Office of the Municipal-Corporation of Delhi, Town Hall, Delhi-6; and

(4) Office of the Executive Officer, Delhi Cantt, Board, Delhi Cantt.

2. Objections and suggestions are hereby invited with respect to these draft zonal development plans.

3. Objections or suggestions may be sent in writing to the Secretary, Development Authority, Delhi Vikas Bhawan, I.P. Estate, New Delhi by the 3rd June, 1968.

Any person making an objection or suggestion should also give his name and address.

[No. F. 4(11)/68-M.P.]

B. C. SARKAR, Addl. Secy.

## MINISTRY OF PETROLEUM AND CHEMICALS

*New Delhi, the 25th April 1968*

**S.O. 1557.**—Whereas it appears to the Central Government that it is necessary in the public interest that the transport of Petroleum from G.G.S. No. 1 to Oil Terminal at Sabarmati in the Kalol Oil Field, in Gujarat State, Pipelines should be laid by the Oil & Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of user in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-section (1) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Elempceco, 4th floor, Sayaji Gunj, Opp., College Lokmanya Tilak Road, Baroda-5 in the Office of the Gujarat Pipelines Project (Oil and Natural Gas Commission) Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

## SCHEDULE

*Laying pipeline from G.G.S.I. to O.T. Sabarmati*

State : Gujarat

Distt. : Ahmedabad

Taluka : Dascroi

Village	S. No.	Hector	Are	P. Are	Village	S. No.	Hector	Are	P. Are
Jagatpur	Old Waste Land (Gamthan)	..	6	31	Chenpur	128/2	..	3	72
"	79	..	14	48	"	128/3	..	3	73
"	73	..	2	59	"	127	..	15	97
"	81	..	20	79	"	126	..	4	83
"	82	..	7	08	"	78	..	12	63
"	83/2	..	8	54	"	125	..	0	44
"	85	..	17	09	"	72	..	1	11
Chenpur	149	..	10	77	"	71/3	..	7	43
"	147/2	..	17	45	"	74	..	5	57
"	146	..	17	08	"	66/1	..	1	30
"	146 P. Road	..	1	11	"	67/1	..	06	31
"	140/1	..	8	54	"	67/2	..	7	08
"	140/2/2	..	8	54	"	67/3	..	5	89
"	139	..	5	57	"	65/4	..	7	42
"	114/1	..	23	03	"	56	..	1	84
"	116/P.V. Road	..	0	67	"	55/2	..	0	36
"	116	..	12	26	"	53	..	3	34
"	128/1	..	4	05	"	57	..	1	42
					"	53	..	13	37
					"	52	..	7	79
					"	51	..	10	77

[No. 29(5)/68-IOC(I).]

**S.O. 1558.**—Whereas it appears to the Central Government that it is necessary in the public interest that the transport of Petroleum from G.G.S. No. 1 to Oil Terminal at Sabarmati in Kalol Oil Field, in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of user in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-section (1) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Elempeeco, 4th floor, Sayaji Gunj, Opp. College Lokmanya Tilak Road, Baroda-5 in the Office of the Gujarat Pipelines Project (Oil and Natural Gas Commission) Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

## SCHEDULE

*Laying pipeline from G.G.S.I. to O.T. Sabarmati*

State : Gujarat

Distt. : Ahmedabad

Taluka : City

Village	S. No.	Hector	Are	P. Are	State	S. No.	Hector	Are	P. Are
Ranip	167	0	1	12	Ranip	213	0	8	00
"	168	0	3	81	"	222	0	3	71
"	169	0	6	23	"	215	0	14	67
"	174/1	0	0	23	"	216	0	2	02
"	174/2	0	5	57	"	306	0	1	48
"	190/1	0	5	57	"	305/1+			
"	190/2	0	4	45	"	305/2	0	12	26
"	189	0	0	83	"	303	0	14	67
"	194	0	9	29	"	302	0	5	57
"	195	0	10	40	"	301	0	8	54
"	196	0	11	88	"	299	0	0	93
"	121	0	8	91	"	297	0	1	91
"	211/2	0	12	45	"	292	0	22	25
"	211/1	0	2	25	"	375	0	9	11

[No. 29(5)/68-IOC(II).]

S.O. 1559.—Whereas it appears to the Central Government that it is necessary in the public interest that the transport of Petroleum from Ankleshwar Oil field in Gujarat State to Uttran in Gujarat State, Pipelines should be laid by the Oil & Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of user in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-section (1) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Elempeeco, 4th floor, Sayaji Gunj, Opp., College Lokmanya Tilak Road, Baroda-5 in the Office of the Gujarat Pipelines Project (Oil & Natural Gas Commission) Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

#### SCHEDULE

State : Gujarat

Distt. : Surat

Taluka : Olpad

Village.	S. No.	Hector	Acre	P. Acre
Mulad	44	0	6	81

[No. 31(38)/63-ONG/IOC.Vol.7.]

#### CORRIGENDA

New Delhi, the 22nd April 1968

S.O. 1560.—In the schedule to the notification of the Government of India in the Ministry of Petroleum & Chemicals S.O. No. 1194 dated the 21st March, 1964 published in the Gazette of India, Part II, Section 3, Sub-Section (ii) dated the 4th April, 1964, the following may be deleted :—

Village	Survey Plot No.	Extent in Acre-Dismal
Saresar	139/3	0.10
	175/2	0.20
	178	0.02
	182	0.12
	183	0.05
	184	0.18
	186	0.08
	198	0.05
	211	0.03
	212	0.07
	213	0.38
	215	0.01
	224	0.03
	225	0.08
	226	0.09
	227/1	0.06
	227/3	0.02
	228/1	0.10
	229	0.08
	236	0.01
	237	0.03

Village	Survey plot No.	Extent in Acre-Dismal
	238	0.15
	240/1	0.09
	245	0.13
	246	0.10
	247	0.11
	248	0.01
	249	0.01
	575/1	0.04
Paura	217	0.04
	219	0.02
	228/1	0.04
	232/1	0.03
	244	0.01
	252	0.04
	264	0.02
	269	0.03
	270/1	0.10
	270/3	0.02
	610	0.01
	694/1	0.02
Bhojapur	218/1	0.02
	218/2	0.06
Kakarahi Khurd	29/1	0.01
	72	0.01
	103	0.03
	104/6	0.01
	129/6	0.01
	141/2	0.02
Goinjhar	51	0.01
	54	0.02
Pithapur	749/1	0.04
	749/2	0.05
	763/2	0.02
	765	0.02
	767/2	0.04
	774	0.04
	776	0.13
	777	0.01
	781/1	0.08
	1036	0.02
	1040	0.03
	1046/1	0.01
	1047	0.01
	1052	0.01
	1053	0.01
	1054	0.01
	1059	0.01
	1067/2	0.03
	1126	0.02
	1069	0.02
	1128/1	0.02
	1151	0.01
	1153	0.01
	1155/1	0.01
Bagaini	22/4	0.03
	30/1	0.03
	51	0.10
	54/25	0.04
	54/27	0.10
	60	0.05
	61	0.10



Village	Survey plot No.	Area in Acres-Dismal
Sanghati	153	0.11
	298	0.05
	299/3	0.02
	304/1	0.01
	304/5	0.01
	304/7	0.02
	313	0.02
	314	0.02
	315	0.01
	316	0.01
	317	0.03
	350/3	0.01
	350/4	0.01
	350/8	0.01
	350/9	0.01
	351	0.01
	424	0.10
	430	0.06
Sikatha	635/1	0.04
	635/2	0.04
	645	0.06
	651	0.01
Naseerpur Pattan	89/2	0.02
	90/2	0.07
	94/2	0.02
Jeeewanpur	501	0.02
	504	0.02
Kori	3	0.05
	4/1	0.11
	6/2	0.03
Gharchit	640	2.00
Batthi	636/1	0.02
	637	0.01
	645/1	0.03
	645/2	0.02
	664	0.35
	665	0.09
	666	0.03
	667	0.01
Harna Tanda	30/1	0.38
	32	0.01
	34	0.01
	36	0.10
	43	0.30
	50/1	0.03
	29/52	0.03
	51/52	0.03

**S.O. 1561.**—In the Schedule to the Notification of the Government of India in the Ministry of Petroleum & Chemicals S.O. No. 2720 dated the 25th July, 1964 published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 8th August, 1964, the following may be deleted :—

Village	Survey Plot No.	Area in Acre-Dismal
Mawai Khurd . . . . .	21	0·01
	25/1/1	0·05
	147	0·06
Kurh Kalan . . . . .	338/1	0·01

[No. 31/50/63/ONG/IOC-Vol. 4 (B)]

**S.O. 1562.**—In the Schedule to the Notification of the Government of India in the Ministry of Petroleum & Chemicals S.O. No. 3022 dated the 26th August, 1964 published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 5th September, 1964 the following may be deleted :—

Village	Survey Plot No.	Area in Acre-Dismal
Mawai Khurd . . . . .	21	0·05
Amoghpur . . . . .	60/1	0·02

[No. 31(50)/63/ONG/IOC-Vol. 4 (C)]

**S.O. 1563.**—In the Schedule to the Notification of the Government of India in the Ministry of Petroleum & Chemicals S.O. No. 2343 dated the 22nd July, 1966 published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 6th August, 1966, the following may be deleted :—

Village	Survey Plot No.	Area in Acres-Dismal
Saresar . . . . .	232	0·07
	235	0·01
	237	0·09
	323/1	0·05
	324/2	0·08
	325	0·02
	327	0·25
	450/1	0·01
	451/2	0·02
	452	0·04
	454	0·03
	464	0·05
	520/2	0·02
	521	0·07
	527	0·06
	532	0·01
	535	0·02
	536	0·03
	567/2	0·07
	462/583	0·03

[No. 31(50)/63/ONG/IOC-Vol. 4(D)]

**S.O. 1564.**—In the Schedule to the Notification of the Government of India in the Ministry of Petroleum & Chemicals S.O. No. 2333 dated the 14th July, 1965 published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 24th July, 1965, the following may be deleted :—

Village	Survey Plot No.	Area in Acre-Dismal
Saresar . . . . .	523	0.23
Naseerpur Pattan . . . . .	93	0.05

[No. 31(50)/63/ONG/IOC (Vol. 4) (E)]

P. P. GUPTA, Under Secy.

## MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 22nd April 1968

**S.O. 1565.**—In exercise of the powers conferred by sub-rule (2) of rule 9, clause (b) sub-rule (2) of rule 12, and sub-rule (1) of rule 24, read with rule 34 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby makes the following amendments in the Notification of the Government of India in Ministry of Information and Broadcasting No. S.R.O. 618, dated the 28th February, 1957, namely:—

In the Schedule to the said Notification—

- (1) In Part II, General Central Service, Class III—for the entries against the description "Press Information Bureau—all posts" the following entries shall be substituted, namely:—

I	2	3	4	5
<b>PRESS INFORMATION BUREAU</b>				
a) Headquarters	Assistant Principal Information Officer.	Assistant Principal Information Officer.	All	Principal Information Officer.
(b) Regional/Branch Offices	Head of Regional Office.	Head of Regional Office.	All	Principal Information Officer.

- (2) In Part III, General Central Service, Class IV—for the entries against the description "Press Information Bureau—all posts" the following entries shall be substituted, namely:—

I	2	3	4	5
<b>PRESS INFORMATION BUREAU</b>				
(a) Headquarters	Assistant Principal Information Officer.	Assistant Principal Information Officer.	All	Director of Public Relations/Senior Deputy Principal Information Officer (In charge of Administration).
(b) Regional/Branch Offices	Section Officer/Administrative Officer.	Section Officer/Administrative Officer.	All	Head of Regional Office.

[No. 3/4/67-Spl./ (PIB)/US(K).]

G. S. GUPTA Dy. Secy.

## सूचना और प्रसारण मंत्रालय

नई दिल्ली, 22 अप्रैल 1968

एस० ओ० 156C—केन्द्रीय असेनिक सेवा (वर्गीकरण, नियंत्रण और अपील) नियमावली, 1965 के नियम 9 के उपनियम (2), नियम (12) के उपनियम (2) की धारा (ख) और नियम 34 के साथ पठित नियम 24 के उपनियम (1) के अन्तर्गत प्राप्त अधिकारों के अनुसार राष्ट्रपति एतद्वारा भारत सरकार के सूचना और प्रसारण मंत्रालय सं० एस० आर० ओ० 618, दिनांक 28 फरवरी, 1957 की अधिसूचना में निम्नलिखित संशोधन करते हैं, अर्थात्—

उक्त अधिसूचना की अतसूची में—

(1) भाग 2 में, सामान्य केन्द्रीय सेवा, श्रेणी 3 में विवरण “पत्र सूचना कार्यालय—सभी पद” के सामने की जाने वाली प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियाँ की जायेंगी, अर्थात्—

1	2	3	4	5
पत्र सूचना कार्यालय				
(क) मुख्यालय	सहायक मुख्य सूचना अधिकारी	सहायक मुख्य सूचना अधिकारी	समस्त	मुख्य सूचना अधिकारी
(ख) क्षेत्रीय/शाखा कार्यालय	क्षेत्रीय कार्यालय का मुख्य अधिकारी	क्षेत्रीय कार्यालय का मुख्य अधिकारी	समस्त	मुख्य सूचना अधिकारी

(2) भाग 3 में, सामान्य केन्द्रीय सेवा, श्रेणी 4 में विवरण “पत्र सूचना कार्यालय—सभी पद” के सामने की जाने वाली प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियाँ की जायेंगी, अर्थात्—

1	2	3	4	5
पत्र सूचना कार्यालय				
(क) मुख्यालय	सहायक मुख्य सूचना अधिकारी	सहायक मुख्य सूचना अधिकारी	समस्त	जन सम्पर्क निदेशक/वरिष्ठ उप मुख्य सूचना अधिकारी (प्रशासन के अध्यक्ष) ।
(ख) क्षेत्रीय शाखा कार्यालय	अनुभाग अधिकारी/प्रशासनिक अधिकारी	अनुभाग अधिकारी प्रशासनिक अधिकारी	समस्त	क्षेत्रीय कार्यालय का मुख्य अधिकारी ।

[सं० 3/4/67—स्पेशल/(पी० आई०बी०) यू० एस० (के०).]

जी० एस० गुप्त,

भारत सरकार के उप सचिव ।

New Delhi, the 24th April 1968

**S.O. 1567.**—In exercise of the powers conferred by rule 10 of the Cinematograph (Censorship) Rules, 1958, the Central Government is pleased to appoint **Shri S. Sunder Rajan**, Information Officer, Press Information Bureau, New Delhi to officiate as Regional Officer, Central Board of Film Censors, Madras, with effect from 10th April, 1968, until further orders, vice **Shri B. Dharmarajan**.

[No. 2/28/68-FC.]

H. B. KANSAL, Under Secy.

### ORDER

New Delhi, the 17th April 1968

**S.O. 1568.**—In pursuance of the directions issued under the provisions of each of the enactments specified in the First Schedule annexed hereto, the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the film specified in column 2 of the Second Schedule annexed hereto in Gujarati to be of the description specified against it in column 6 of the said Second Schedule.

#### THE FIRST SCHEDULE

- (1) Sub-Section (4) of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).
- (2) Sub-Section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XVII of 1953).
- (3) Sub-Section (4) of Section 5 and Section 9 of the Saurashtra Cinemas (Regulation) Act, 1953 (Saurashtra Act XVII of 1953).

#### THE SECOND SCHEDULE

Sl No.	Title of the film	Length 35 mm	Name of the Applicant	Name of the Producer	Whether a scientific film or a film intended for educational purposes or a film dealing with news and current events or a documentary film.
1	2	3	4	5	6
1.	Rajkotni Vikas Yatra.	513.59M	Director of Information, Government of Gujarat, Sachivalaya, Ahmedabad-34.		Documentary Film (for release in Gujarat Circuit only).

[No. F. 24/1/68-FP App. 1248.]

BANU RAM AGGARWAL, Under Secy.

### MINISTRY OF LABOUR, EMPLOYMENT & REHABILITATION

(Department of Labour & Employment)

New Delhi, the 20th April 1968

**S.O. 1569.**—Whereas a vacancy has occurred in the office of the presiding officer of the Industrial Tribunal No. 2 at Calcutta, constituted by the Notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2653, dated the 24th August, 1966;

Now, therefore, in pursuance of the provisions of section 8 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints Shri R. K. Das as the presiding officer of the said Industrial Tribunal with effect from 8th April, 1968.

[No. F. 1/22/68-LRI-II.]

S.O. 1570.—Whereas a vacancy has occurred in the office of the presiding officer of the Labour Court No. 2 at Calcutta constituted by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2652, dated the 24th August 1966;

Now, therefore, in pursuance of the provisions of section 8 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints Shri R. K. Das as the presiding officer of the said Labour Court with effect from the 8th April, 1968.

[No. F. 1/22/68-LRI-II.]

### ORDERS

*New Delhi, the 25th April 1968*

S.O. 1571.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank Ltd., New Delhi and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri J. S. Ranawat shall be the Presiding Officer, with headquarters at Jaipur and refers the said dispute for adjudication to the said Tribunal.

### SCHEDULE

Whether the action of the management of the Punjab National Bank Ltd., New Delhi in terminating the services of Shri Mangal Chand, Peon, in their Baran Branch, with effect from the 29th October, 1966 was justified? If not, to what relief is the workman entitled?

[No. 23/15/68-LR-III.]

S.O. 1572.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Sesa Goa Private Limited, Altinho, Panjim and their workmen in respect of the matters specified in the Schedule hereto annexed:

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

### SCHEDULE

Whether the demands of the workmen employed in the Iron Ore Mines of Messrs Sesa Goa Private Limited, Altinho, Panjim, for the implementation of the recommendation of the Central Wage Board for Iron-Ore Mining Industry with effect from the 1st January, 1967 as accepted by the Government of India in their resolution No. WB-2(3)/67 dated the 3rd June, 1967 are justified? If so, to what relief are they entitled?

[No. 24/8/68-LRI.]

G. P. TALWAR, Under Secy.

**(Department of Labour and Employment)**

*New Delhi, the 20th April 1968*

**S.O. 1573.**—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri M. Rajendran to be an Inspector for the whole of the State of Madras for the purposes of the said Act and of any Scheme framed thereunder, in relation to any establishment belonging to, or under the control of, the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oil-field or a controlled industry.

[No. 20(9)/68-PFI.]

**S.O. 1574.**—In exercise of the powers conferred by Sub-Section (1) of Section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri B. N. Prasad to be an Inspector for the whole of the State of Bihar for the purposes of the said Act and of any Scheme framed thereunder, in relation to an establishment belonging to, or under the control of, the Central Government or in relation to any establishment connected with a railway Company, a mine or an oil-field or any controlled industry.

[No. 20(11)/68-PFI.]

*New Delhi, the 22nd April 1968*

**S.O. 1575.**—Whereas it appears to the Central Government that the employee and the majority of the employees in relation to the establishment known as Messrs Hiralal and Company, Post Box No. 8, Vasco-da-Gama, Goa, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 30th day of September, 1966.

[No. 8/24/68/PF.-II.]

DALJIT SINGH, Under Secy.

**(Department of Labour and Employment)**

*New Delhi, the 20th April 1968*

**S.O. 1576.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Bansdeopur Colliery of Messrs New Bansdeopur Coal Company (Private) Limited: Post Office Kusunda, District Dhanbad and their Managing Agents, Messrs Amritlal Ojha and Company (Private) Limited, Calcutta, of the one part and their workmen of the other part, which was received by the Central Government on the 16th April, 1968.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR**

*The 1st April 1968*

**PRESENT.**

Shri G. C. Agarwala—*Presiding Officer.*

**CASE NO. CGIT/LC(R) (79)/1967 (JABALPUR TRIBUNAL)**

**CASE REFERENCE NO. 39 OF 1965 (DHANBAD TRIBUNAL)**

**PARTIES:**

Employers in relation to Bansdeopur Colliery of Messrs New Bansdeopur Coal Company (Private) Limited, Post Office Kusunda, District Dhanbad (Bihar) and their Managing Agents, M/s. Amritlal Ojha and Company (Private) Limited, Calcutta on the one part

AND

Their workmen represented through the General Secretary, Bihar Koyla Mazdoor Sabha, Dhanbad (Bihar).

## APPEARANCES:

For employers—Shri R. G. Turnbull, Assistant Manager of the concern.

For workmen—Sri Lalit Burman, General Secretary of the Union.

INDUSTRY: Coal Mines

DISTRICT: Dhanbad (Bihar).

## AWARD

By Notification No. 2/20/65-LR.II dated 11th March 1965 the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), Government of India, referred the following matter of dispute as stated in the schedule to the order of reference, to the Central Government Industrial Tribunal, Dhanbad, for adjudication. It was subsequently transferred to this Tribunal by Notification No. 8/25/67-LR.II dated 25th April 1967:—

*Matter of Dispute*

Whether the action of the management of the Bansdeopur Colliery of Messrs New Bansdeopur Coal Company (Private) Limited and their Managing Agents, Messrs Amritlal Ojha and Company (Private) Limited in suspending Shri Nibaran Chandra Kumar, Mining Sirdar, with effect from the 30th November, 1964, and further dismissing him from service with effect from the 21st December, 1964, is justified? If not, to what relief is the workman entitled?

2. The Union, Bihar Koyla Mazdoor Sabha, which sponsored the dispute filed the written statement before the Dhanbad Tribunal. The employers also filed written statement-cum-rejoinder before the said Tribunal. The Union, however, filed the rejoinder before this Tribunal in the preliminary hearing rendered at Allahabad on 22nd June 1967 when on perusal of the pleadings certain issues were framed. The case was then kept undated and after an adjournment had been taken by the employers hearing was ultimately rendered on 21st March 1968 at camp Dhanbad. The employers filed the record of enquiry proceedings and other papers which were proved by an affidavit and were marked Ex. E/1 to E.15. One witness, Sri B. Joshi (E.W.1) the Enquiring Officer was produced for the employers. No documentary evidence was filed by the Union but one witness, Sri Anant Sharma Vice President of the Union, was examined.

3. The workman concerned, Sri Nibaran Chandra Kumar, was a Mining Sirdar of the employers to be hereinafter called the company. He had been in the employment since 1951 but became a Mining Sirdar from March, 1960 (Ex. E/1). The case of the Union was that there are two unions operating in this Colliery. One is Bihar Koyla Mazdoor Sabha of which Sri Nibaran Chandra Kumar was an active worker and member executive of Bansdeopur Branch of the Union. The Company however was patronising another pocket Union and had been hostile to this Union. On 29th November 1964 which was a Sunday a meeting was organised by Bihar Koyla Mazdoor Sabha in the premises of this Colliery and Sri Nibaran Chandra Kumar took an active part in mobilising workers for this meeting despite the opposition by the Manager and the Assistant Superintendent. This enraged the management and on the following day, the 30th November, 1964, a charge-sheet was cooked up containing frivolous charges and after a show of farcical enquiry he was dismissed by the Asstt. Superintendent on 21st December, 1964 after he was suspended from the very beginning and from the date of the charge-sheet. The whole thing was *mala fide* and Sri Nibaran Chandra Kumar was victimised because of trade union activities.

4. The employers denied the allegations and contended that there was a *bona fide* enquiry conforming to principles of natural justice and as the charges were found proved he was dismissed. There were six charges framed and two of which were not found proved by the Enquiry Officer and were therefore dropped. It is alleged that this itself is a factor to indicate the *bonafides* of the management. It is denied that he was victimised because of his active association with the Union. The following additional issues framed in the case will show the point in controversy:—

*Addl. Issues*

1. Whether the workman concerned, Nibaran Chandra Kumar was an active trade union worker and was victimised for trade union activities?
2. Whether suspension, charge-sheet and enquiry were all *mala fide*?
3. Whether the enquiry was farcical and was vitiated for reasons enumerated in paragraph 8 of the written statement of the workmen?
4. Was he guilty of the charges for which he has been dismissed?



## FINDINGS

5. *Issues Nos. 2 & 3*—These two issues may be taken up together.

There is abundant material to show that the charge-sheet was *mala fide* and the enquiry was farcical. It stands vitiated on a variety of grounds. The charge-sheet runs as follows:—

1. You worked in S.B. Kandwadih colliery belonging to M/s. East India Coal Co. Ltd., from 8th November 1963 to 20th November 1963 as Mining Sirdar while you were in our employment, without intimation to us. This has been recently confirmed by the Chief Accounts Officer and the Provident Fund Commissioner's office.
2. On Saturday, the 28th November 1964, in your morning shift (7 A.M. to 3 P.M.) you allowed miners to lift fallen coal from fanced off goaf near the 40 H.P. pump intentionally endangering lives of the Kumar miners of your own cast.
3. On Saturday, the 28th November, 1964, in your morning shift (7 A.M. to 3 P.M.) you negligently engaged the mason and mazdoors for building isolation stopping in the area "B" below an overhang without properly dressing and testing it and all of a sudden about three tubs of coal fell and the mason narrowly escaped.
4. You engaged miners in the depillaring stock without erecting props within a distance of 25 ft. from the goaf edge, which was detected by your next shift Mining Sirdar, Overman and the Mines Inspector, Shri N. K. Basak.
5. You are not writing your Mining Sirdar's report and are in the habit of disobeying instructions of the Overman on the plea that you have also obtained the Overman's certificate.
6. You are ordering the prop mistries to cut the bigger props and spoiling the value and utility of the same, inspite of having small props in your underground stock.

Charge No. 1 was dropped and so was charge No. 6 by the Enquiring Officer. The remaining four charges Nos. 2 to 5 relate to his duties in his shift on 28th November, 1964 as Mining Sirdar. The reply of Sri Nibaran Chandra Kumar was that his duty was only to arrange and regulate the supply of tubs and the statutory duties under the Mines Act and Regulations had been entrusted to other Mining Sirdars. The Enquiry Officer admitted in his statement that these charges were framed on the report of the Overman. Curiously the said report was not filed and was not disclosed to Sri Nibaran Chandra Kumar. He was, therefore, kept in dark how these charges had been brought up against him. The conduct of the Enquiring Officer in holding the enquiry was far from fair. He started the enquiry with the statement of Sri Nibaran Chandra Kumar and elaborately cross-examined him. The questions and answers run into five pages. These questions were not put with a view to elucidate the reply to the charge-sheet and clarify his statement but are in the nature of cross-examination. The Supreme Court has deprecated this tendency and observed as follows in A.C.C. Company Ltd. Vs. Workmen reported in 1963 (7) F.L.R. page 269 at page 272:—

"It is necessary to emphasise that in domestic enquiries, the employer should take steps first to lead evidence against the workman charged, give an opportunity to the workman to cross-examine the said evidence and then should the workman be asked whether he wants to give any explanation about the evidence led against him. It seems to us that it is not fair in domestic enquiries against industrial employees that at the very commencement of the enquiry, the employee should be closely cross-examined even before any other evidence is led against him. In dealing with domestic enquiries held in such industrial matters, we cannot overlook the fact that in a large majority of cases, employees are likely to be ignorant, and so, it is necessary not to expose them to the risk of cross-examination in the manner adopted in the present enquiry proceedings."

Another infirmity found in the procedure is that after examination and cross-examination of some of the Company's witnesses the workman, Sri Nibaran Chandra was again questioned. For example, when Sri M. N. Ghosh (witness No. 1) was examined and cross-examined the Enquiring Officer again put questions to Sri Nibaran Chandra. Then again it is significant to find that after the workman, Sri Nibaran Chandra, had produced his evidence the Enquiring Officer recorded more witnesses for the company. They are S/Sri Fagir Das (Witness

No. 15). Hari Rai (Witness No. 16), Mahadeb Das (Witness No. 17), and Ramayan Singh (Witness No. 18). No doubt they were examined in presence of Sri Nibaran Chandra Kumar but the procedure was highly prejudicial to the workman after he had produced the defence. There are three other witnesses S/Sri S. S. Sarin (Witness No. 19), Narayan Mukharjee (Witness No. 20) and K. N. Sirdar (Witness No. 21) who were also examined. There are no signature of the workman concerned Sri Nibaran Chandra Kumar and the allegation that they were not examined in his presence appears to be correct. It is manifest that the Enquiring Officer was behaving both as a prosecutor and a judge. There was no representative for the management and he had practically identified himself with the management in the conduct of the enquiry. Dropping of the charges No. 1 and 6 was a camouflage so as to give a show of impartiality. The enquiry, therefore, stands vitiated.

6. *Issue No. 1.*—It cannot be a strange coincidence that the company decided to charge-sheet the workman for his latches if any during his shift duty on 28th November, 1964 after a meeting of the Union was held in the premises of the colliery on the evening of 29th November, 1964. It is in the evidence of Sri Anant Sharma that Sri Ojha the Asstt. Superintendent and his men appeared there and prevented a meeting to be held. The police had to be called and an order under Sec. 144 Cr. P.C. was promulgated. Sri Nibaran Chandra Kumar was one of the organisers of the meeting. He was charge-sheeted and suspended the very next day. There is no rebutting evidence from the side of the company. It is evident that the charge-sheet was conceived on the following day and flimsy reasons were dug out to punish Sri Nibaran Chandra Kumar. The extreme penalty of dismissal was passed against him on offences of technical nature, assuming that there were lapses as alleged during his duty period. He has clearly been victimised.

7. *Issue No. 4.*—It was open to the company to have justified the punishment by producing evidence before the Tribunal and to have proved that Sri Nibaran Chandra Kumar was really guilty of the charges. No attempt was made by the company to do so. The issue must therefore be answered in the negative.

#### *Decision*

The result is that the issue under reference will have to be answered against the company and it is held that the employers were not justified in suspending Sri Nibaran Chandra Kumar from 30th November, 1964 and further dismissing him from 21st December, 1964. He is entitled to be reinstated with back wages. The Union will be entitled to Rs. 100/- as costs from the employers.

(Sd.) G. C. AGARWALA,  
Presiding Officer.  
1-4-1968.

[No. 2/20/65-LRII.]

*New Delhi, the 22nd April 1968*

S.O. 1377.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the Industrial disputes between the employers in relation to the Mondal's Bilbera Colliery, Post Office Katrasgarh, District Dhanbad and their workmen, which was received by the Central Government on the 16th April, 1968.

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR.

*Dated April 1, 1968.*

#### PRESENT:

Sri G. C. Agarwala.—*Presiding Officer.*

CASE REF. No. CGIT/LC(R) (100)/67 (JABALPUR TRIBUNAL)

CASE REFERENCE No. 63 OF 1964 (DHANBAD TRIBUNAL)

#### PARTIES:

Employers in relation to Mondal's Bilbera Colliery, Post Office Katrasgarh,  
District Dhanbad (Bihar).

*Vs.*

Their workmen, represented through the General Secretary, Bihar Koyla  
Mazdoor Sabha, Dhanbad (Bihar).

APPEARANCES:

*For employers.*—Sri P. B. Mondal, Private Secretary of the Company.

*For workmen.*—Sri Prasant Burman, General Secretary of the Union.

INDUSTRY: Coal Mine.

DISTRICT: Dhanbad (Bihar).

AWARD

By Notification No. 2/46/64-LRII dated 22nd May, 1964, the Ministry of Labour and Employment, Government of India, referred the following matter of dispute as stated in the schedule to the order of reference, to the Central Government Industrial Tribunal, Dhanbad, for adjudication from where it was transferred to this Tribunal by Notification No. 8/25/67-LRII dated 25th April, 1967:—

*Matter of Dispute.*

Whether the action of the management of the Mondal's Bilbera Colliery in terminating the services of the following 43 workmen with effect from the 30th January, 1964 was justified; if not, to what relief are the workmen entitled?

- (1) Ramgolam Pashi, Miner.
- (2) Natha Rajwar, Miner.
- (3) Balkishan Rajwar, Miner.
- (4) Ramjan Mia, Miner.
- (5) Shlomurat Gope, Miner.
- (6) Dujay Pashi, Miner.
- (7) Gati Dusadh, Miner.
- (8) Gariba Pashi, Miner.
- (9) Bhalu Pashi, Miner.
- (10) Kallu Pashi, Miner.
- (11) Sukdin Lodh, Miner.
- (12) Ramsaiibhan Pashi, Miner.
- (13) Sangtha Pashi, Miner.
- (14) Chotelal Pashi, Miner.
- (15) Ratal Pashi, Miner.
- (16) Ramcharan Pewat, Miner.
- (17) Rambrich Thakur, Miner.
- (18) Srinath Pashi, Miner.
- (19) Parsi Pashi, Miner.
- (20) Mahadeb Singh, Miner.
- (21) Suklal Pashi, Miner.
- (22) Kallu Chamar, Miner.
- (23) Sital Pashi, Miner.
- (24) Shiodas Pashi, Miner.
- (25) Ramsankar Pashi, Miner.
- (26) Badan Pashi, Miner.
- (27) Algu Chamar, Miner.
- (28) Ramprasad Rabidas, Miner.
- (29) Sumer Rabidas, Miner.
- (30) Hanu Ahir, Miner.
- (31) Bishwanath Rabidas, Miner.
- (32) Ram Manohar Koiri, Miner.
- (33) Dujay Rabidas, Miner.
- (34) Gobardhan Singh, Miner.
- (35) Onkar Ahir, Miner.
- (36) Amzad Mia, Miner.
- (37) Rameswar Bhuiya, Miner.
- (38) Tetor Bhuiya, Miner.
- (39) Ramcharan Bhuiya, Miner.
- (40) Surja Pashi, Miner.
- (41) Manickchand Dusadh, Miner.
- (42) Ramdeo Mahato, Miner.
- (43) Siroo Kumar, Prop. Mazdoor.

2. Both sides filed their statements of claim before the Dhanbad Tribunal. Rejoinder was filed by the Union in preliminary hearing rendered at Allahabad on 21st June, 1967. The following issues were framed in the case will show points in controversy between the parties:—

*Issues*

1. Is the dispute not an industrial dispute?

2. Whether there was sufficient justification for retrenching the concerned workmen?
3. Whether the workmen concerned or any of them had not completed one year's continuous service to be entitled for retrenchment compensation?
4. Whether provisions of Section 25F were complied with?
5. Whether some of the concerned workmen have accepted full and final payment of compensation. If so, its effect on the dispute?
6. Was there victimisation in bringing about the retrenchment?

3. The case came up for full hearing at camp Dhanbad on 21st March, 1968 when employers examined one witness Sri P. B. Mondal (E.W. 1) and the Union did not examine any witness. Both sides, however, filed certain documents which were proved by affidavits. They are exhibit as Ex. E/1 to E/5 for the employers and Ex. W/1 to W/5 for the Union.

4. It appears that services of 46 workmen were terminated by the management after a notice dated 28th January, 1964 with effect from 30th January, 1964 and they were offered to collect their dues. These workers are known as C.P. Miners presumably because they hail from erstwhile Central Provinces and were engaged for special work of depillaring. Before this retrenchment or termination the management had stopped depillaring work and offered alternative job as pick miners. There is a dispute as to actual number of these miners who offered to work as pick miners which is a tough job. According to the Union, they were 36 in number while according to the management only some of them worked for a few days and their outturn was very low. Consequently, the services of 46 were terminated and out of them are 43 concerned workmen. The Union has challenged this termination as retrenchment which was unjustified with a view to victimise the workmen and was not brought about in accordance with law. Nor were they offered or paid statutory compensation. The management, however, contended that there was no motive of victimisation and since the depillaring work had finished and the working phases were also reduced these C.P. Miners could not be provided with alternative job. There was no question of payment of any statutory compensation as none of them had rendered one year's continuous service to be eligible for compensation. No statutory notice was necessary and a notice in Form P was sent to authorities by way of abundant caution. All the workers concerned except Serial No. 41, 42 and 43 who were not in service at the time of retrenchment had accepted full and final payment of their dues and there is therefore no dispute left for the Union to agitate. It was also vaguely suggested that the dispute was not an industrial dispute. With these averments, the issues framed may be determined.

5. *Issue No. 1.*—The pleas had been taken rather light heartedly and has not been pressed. The very fact that the dispute relates to retrenchment of 43 workers is itself indicative of the nature of the dispute as an industrial dispute. It is answered in negative.

6. *Issue No. 2.*—From the evidence of Sri B. P. Mondal (E.W. 1) who is Private Secretary of the Constituted Agent it is clear that the depillaring operation at which these C.P. Miners had been working had finished. According to him these miners were served with notices and were offered alternative jobs as pick miners but only five or six of them turned up. They worked for about a week and the out turn was very poor. Since there was no work left for C.P. Miners there was no alternative but to dispense with their services. There is no rebuttal to this evidence of the management which is supported by documents filed by the Union itself. In reply to the letter of the Union, the management in its letter dated 27th February, 1964 had clearly asserted that the depillaring area where C.P. Miners were employed had no work left. They were offered to work as pick miners and only some of them worked for about a week. Their outturn was also very poor. It is, therefore, not a new case which the management has taken up but the stand had been consistent from the very beginning. There was, therefore, sufficient justification for retrenching rather terminating the services of the workmen.

7. *Issues No. 3 and 4.*—The management compiled a statement and filed the same as Ex. E/2 showing the number of days for each worker. Very few of them serial Nos. 1 to 11 were engaged in 1961 and none of them had not rendered more than 47 days service during the year. In 1962, Serial No. 1 to 27, are shown and everyone of them had rendered one year's continuous service. So is the case in 1963. As defined under Section 25(b), for continuous service should

be uninterrupted and under Clause 2 could be treated as in continuous service if he had actually worked during a period of 12 calendar months preceding the date with reference to which the calculation is to be made, for 190 days in the case of workmen employed below ground in a mine. There is no evidence that this had been done by any workman. As a matter of fact, no worker has come in evidence to justify the claim for his eligibility. There is, therefore, no reason to reject the claim of the management that no worker had made himself eligible for retrenchment compensation.

8. The Union relied on the fact that the management had failed to produce statutory registers of attendance in Form B and C. The employers in reply stated that those registers were not available having been lost or destroyed in a raid of the Colliery by some miscreants. This was stated on oath by Sri B. P. Mondal (E.W. 1). According to him, some 50 to 60 miscreants raided the office and the staff quarters and most of the records were lost or destroyed. A report in police was lodged. The statement Ex. E/2 had been filed earlier. There is no reason to doubt the truth of his testimony on the point. The fact that the management sent a notice to authorities in Form P (Ex. E/5) was by way of abundant caution and was really not necessary. The issues are therefore held accordingly.

9. Issue No. 5.—The employers filed the Payment Register (Ex. E/1) which shows that 40 C.P. Miners accepted full and final settlement of their wages including bonus and affixed their thumb marks. There is an endorsement of the Labour Inspector that payment to 34 employers out of 40 was made in his presence. This endorsement is dated 2nd February, 1964. There is a second endorsement dated 10th February, 1964 for further payment to 4 workers. It is clear that all the workers had been paid their dues which they accepted in full and final payment. When the workers themselves have no grievance and none of them has come in evidence it is difficult to comprehend how the Union can contend that there is still an industrial dispute subsisting. As a matter of fact, there is no dispute left.

10. Issue No. 6.—There is absolutely no motive of victimisation and the plea is clearly untenable.

*Decision:*

The result is that the reference in question is answered in affirmative. Serials 41, 42 and 43 S/Shri Manickchand Dusadh Miner, Ramdeo Mahato Miner and Biroo Kumar Prop. Mazdoor, were not in employment on 30th January, 1964. The termination of services of the remaining 40 was justified and none of them was entitled to retrenchment compensation. No order for costs.

(Sd.) G. C. AGARWALA,  
Presiding Officer.  
1-4-1968.

[No. 2/46/64-LRII.]

**S.O. 1578.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Messrs. Shaw Wallace and Company Limited, Post Office Parasia (Chhindwara) and their workmen, which was received by the Central Government on the 16th April, 1968.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR**

*Dated March, 30, 1968*

**PRESENT:**

Sri G. C. Agarwala—Presiding Officer.

(1) CASE REF. NO. CGIT/LC(120)/67

(2) CASE REF. NO. CGIT/LC(127)/67

**PARTIES:**

Employers in relation to M/s. Shaw Wallace & Company Limited, Parasia,  
District Chhindwara (M.P.).

**Vs.**

Their workmen, represented through the General Secretary, M.P. Rastriya  
Koyala Khadan Mazdoor Sangh, P.O. Parasia, District Chhindwara.  
M.P.

## APPEARANCES:

*For Employers*—S/Sri Sardar Ujagar Singh and V. M. Thakurany, Labour Officer and Chief Personnel Officer of the concern.

*For Workmen*—S/Sri K. B. Chougule, Secretary Indian National Mines Workers Federation and V. N. Dutta, General Secretary, M. P. R. Koyla Khadan Mazdoor Sangh.

INDUSTRY: Coal Mine.

DISTRICT: Chhindwara (M.P.).

## AWARD

These are two references between the same parties. The employers are the management of M/s. Shaw Wallace Co. Ltd. Parasia, District Chhindwara. The workmen are represented by M.P. Rashtriya Koyla Khadan Mazdoor Sangh which sponsored the disputes. The workmen concerned are Sri Yunus Khan in case No. 120/67 and Sri Yusuf in case No. 127 of 1967. Both were alleged to have been Chowkidars. In case No. 120/67 which was referred to this Tribunal by Notification No. 5/9/67-LRII, dated 2nd August, 1967 the allegation of the Union was that his services had been terminated without any reason with effect from 20th June, 1966. The reference is in following terms:—

*Matter of Dispute in Case No. 120/67*

Whether the management of Messrs Shaw Wallace & Company Limited, Parasia, District Chhindwara, Madhya Pradesh, was justified in refusing to pay wages in accordance with the decision of the Labour Appellate Tribunal of India on appeals against the award of the stopping Shri Yunus Khan, Chowkidar Parasia Head Office, from service with effect from the 20th June, 1966? If not, to what relief is the workman entitled?

In case No. 127/67 which was referred to this Tribunal by Notification No. 5/18/67-LRII, dated 8th September 1967 the terms of reference is in two parties and is as follows:—

*Matter of Dispute in Case No. 127/67*

Whether the management of Messrs Shaw Wallace and Company Limited Parasia, District Chhindwara (Madhya Pradesh) were justified in refusing to pay wages in accordance with the decision of the Labour Appellate Tribunal of India on appeals against the award of the All-India Industrial Tribunal (Colliery Disputes) to Shri Yusuf from the 10th March, 1966 and subsequently stopping him from work with effect from 26th September, 1966? If not, to what relief is the workman entitled?

2. After pleadings were filed and certain issues had been framed in each case which need not be reproduced, before commencement of the hearing on the joint request of the parties the two cases mentioned above were consolidated as common questions of law and fact were involved in regard to the question of alleged termination. Case No. 120/67 was made leading and in which evidence both oral and documentary, was received so as to govern both the cases. It may be mentioned that at the argument stage, the Union representative, Shri K. B. Chougule intimated that for purposes of these cases he would concede the position taken up by the employers that both the workers Sri Yunus Khan and Sri Yusuf were bungalow servants and not chowkidars. Even so, his contention was that they remained "workmen" under Section 2(s) of I.D. Act and their services could not have been terminated by the employers without justification. He further intimated that the reference in case No. 127/67 regarding Sri Yusuf the first part which relates to wages in accordance with the L.A.T. Award may not be determined. This is because the employers had taken up a stand that similar question with regard to other workmen is already sub-judice before the Hon'ble High Court of Madhya Pradesh in M.P. case No. 485/67. He only desired the second part of the issue under reference to be determined with regard to termination of employment with effect from 26th September, 1966.

3. Taking up case No. 120/67, the reference on the face of it is untenable. It is common case of the parties that Sri Yunus Khan was in employment till 20th September, 1966. Consequently, he was in service on 20th June, 1966 and there was no termination or stoppage from work on or from the date. That being so, the reference cannot be determined effectively as bound by the terms of reference it has to be held necessarily that there was no stoppage from work with effect from 20th June, 1966. This reference is decided accordingly.

4. As for Reference No. 127/67, the first part of the issue regarding wages in accordance with the L.A.T. Award as desired by the Union has to be left undetermined on account of the pendency of the question with regard to other similar employees before the Hon'ble High Court of Madhya Pradesh. The sole question to be determined is whether he was stopped from working with effect from 26th September, 1966. Without going into the question whether as a bungalow servant attached to the officers of bungalows he was or was not a workman under Section 2(s), it appears that the dispute raised by the Union for stoppage from work with effect from 26th September, 1966 is rather misconceived. He had not been stopped from work at all from that date. On the other hand, it appears that he was suffering from P-2 type Leprosy and was first treated at Barkuhi Hospital. The report of the Medical Officer, dated 7th October, 1966 shows that he was prescribed certain medicines and was advised to report after one month. It appears that the Union on an earlier complaint of Sri Yusuf approached the management and the management by letter, dated 29th September, 1966 (Ex. E/2) sent Sri Yusuf to Saucer Hospital for treatment. He was paid an advance of Rs. 50 also as would appear from Ex. E/1. Sri Yusuf in his evidence admitted that he was sent to Saucer Hospital for treatment and got an advance. He further admitted that after he was declared fit at the Hospital on the report of the Doctor to be given work of Chowkidar on 18th March, 1967, he was given employment and worked as a Chowkidar. From the evidence of Sri Ganeshi Lal Chaurasia (E.W. 1) Head Accounts Clerk of the employers as also by two other witnesses S/Sri Jamaluddin (E.W. 2) and Moti Lal (E.W. 3) who were also bungalow servants, it appears that Yusuf worked with one Mr. Slater till November, 1966 and then was sent to Hospital for treatment. Thus from the evidence on record and the admissions made by Sri Yusuf himself, it is manifest that he was not stopped from work with effect from 26th September, 1966 but was sent for treatment and on return he was deputed to work for sometime as Chowkidar. There was, therefore, no stoppage from work with effect from 26th September, 1966. The reference is answered accordingly.

No order for costs.

(Sd.) G. C. AGARWALA.

Presiding Officer.

30-3-1968.

[No. 5/18/67-LRII.]

*New Delhi, the 23rd April 1968*

**S.O. 1579.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Hyderabad, in the industrial dispute between the employers in relation to the Singareni Collieries Company Limited, Post Office, Kothagudem Collieries (Andhra Pradesh) and their workmen, which was received by the Central Government on the 15th April, 1968.

**BEFORE THE INDUSTRIAL TRIBUNAL (C), ANDHRA PRADESH, HYDERABAD**

**PRESENT:**

Sri Mohammad Najmuddin, M.A., B.L., Chairman, Industrial Tribunal (C), Andhra Pradesh, Hyderabad.

**INDUSTRIAL DISPUTE NO. 22 OF 1967**

**BETWEEN**

Workmen of Singareni Collieries Co. Ltd., P.O. Kothagudem Collieries.

**AND**

Employers of Singareni Collieries Co. Ltd., P.O. Kothagudem Collieries.

**APPEARANCES:**

Shri A. Laxman Rao, Advocate for the Workmen.

Shri K. Srinivasamurthy and Shri M. V. Ramakrishna Rao, representatives of the Employers.

**AWARD**

The Government of India in its Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) had, by Order No. 7/19/66-LRII,

dated 6th September 1967, referred this dispute to me for adjudication. The issue as per schedule annexed to the notification is this:

Whether, having regard to what is contained in paragraphs 340 to 346 of the Labour Appellate Tribunal's decision, the workmen of the Service and Protection Corps, Singareni Collieries Co. Ltd., Kothagudem, were entitled to three musters for work done on the 15th August, 1965, which is a paid holiday? If so, to what relief are the workmen entitled?

2. The Statement of claims was filed by and under the signature of Mr. S. Ramireddy, General Secretary of the Andhra Pradesh Colliery Mazdoor Sangh which is party to the reference. The class of workers who are referred to in the issue are monthly-raters. Fifteenth August, the Independence Day, is among the 7 paid festival holidays in the Company. In the instant case it so happened that 15th August, 1965 was also a Sunday. Sunday is a weekly off day for the particular Department in the reference, viz., the Service and Protection Corps. According to section 29 of the Indian Mines Act, if a worker is made to work on a weekly off day, he should be given a compensatory off day. It is common ground that the worker who worked on such a off day is given  $1\frac{1}{2}$  musters as per practice prevalent in the Collieries. The  $1\frac{1}{2}$  musters is split up this way. One muster is for the day's work, and half muster being for the worker being made to work on a rest day. Thus a worker who work on a rest day gets not only a compensatory day off but also  $1\frac{1}{2}$  musters as above said. In the instant case the Independence Day fell on a Sunday, it being 15th August, 1965. Some workmen of the Service and Protection Corps were called upon to work on that day, and they had so worked. The Management had given them a compensatory day off and as also 2 musters, i.e., one muster for actually working that day and one muster extra.

3. Now the concerned workers claim that they should have been given 3 musters instead of 2 as actually given by the Management, the basis of the claim being the day in question was a paid holiday, viz., the Independence Day. They place reliance upon paragraphs 340 to 346 of the decision of the Labour Appellate Tribunal, dated 29th January, 1957. That decision of the Labour Appellate Tribunal was in respect of a paid holiday on which day certain workers were called upon to work. The decision of the Labour Appellate Tribunal was that a worker who is called upon to work on a paid holiday should be paid 3 musters, i.e., 2 musters extra. It is common ground before me that the Labour Appellate Tribunal was not deciding a case in which a paid holiday on which a workman was called upon to work was also a Sunday or any other off day. Mr. A. Laxmanarao for the Union contends that the claimants are entitled to take advantage of the fact that the paid holiday in question was also a Sunday in this case. On the other hand the case of the Management is that the accident of the paid holiday falling on a Sunday cannot be taken advantage of by the claimants to avail of a double advantage. Mr. K. Sririvasamurthy for the Management pointed out that only one day has to be reckoned and not two days, that is, either the Sunday or the paid holiday.

4. The problem in the case on hand arises because the paid holiday, viz., 15th August, 1965, was also a Sunday. If, as contended by Mr. Laxmanarao, the claimants can take advantage of the day in question being both a festival holiday and a Sunday, then it amounts to putting forward the claim that the claimants are entitled to  $1\frac{1}{2}$  musters plus a compensatory day off plus three musters. But obviously such a claim is not admissible. What the claimants want is that they should be given three musters for the day in question instead of 2 which the Management had actually given besides the compensatory day off. As I said before, the claimants in the case are workmen of the Service and Protection Corps and they are monthly-raters. They draw their emoluments by the month. It is only to the daily-raters that the question of paying wage arises in respect of a paid holiday. If a paid holiday happens to fall on a Sunday or on any other day off, it is the practice in the Collieries to pay that day's muster to the daily-rater. That would not apply to the monthly-rater because he gets his emoluments by the month. So far as he is concerned, it would not make any difference to him if a paid holiday fell on a Sunday or on another off-day. He cannot claim a compensatory holiday for a holiday that fell on a Sunday or on any other day-off. To him it is only one day whether one calls it a Sunday or a festival holiday. It would therefore follow that when he is called upon to work on such a day, i.e., one on which a festival holiday fell on a Sunday, it is only one day that has to be reckoned and not two days. What we have got in the instant case is a Sunday. Under Section 39 of the Indian Mines Act granting of a weekly day off, whether it is a Sunday or any other day, is obligatory.



Failure to comply with that statutory direction would invite prosecution of the employer. Since what we have here is a Sunday besides being a festival holiday, the Management had given a compensatory day off to the claimants who are among the Service and Protection Corps and who were called upon to work on that day. But instead of giving only  $1\frac{1}{2}$  musters, the Management gave to them two musters, viz., one muster extra, although if one was to treat that day as Sunday alone the claimants would be entitled to only  $1\frac{1}{2}$  musters, i.e.  $\frac{1}{2}$  muster extra. In this way the Management had adjusted the fact that the festival holiday in question was also a Sunday. When, as I said, only one day has to be reckoned, then the claimants cannot have the advantage of a compensatory day-off which had admittedly been given to them as well as claim 2 extra musters.

5. The claimants filed 2 documents, Exs. W1 and W2 and the Management filed one document, Ex. M1. They filed a joint memo that there is no oral evidence. Referring to the fact that workers of the Service and Protection Corps had worked on 25th August, 1965, they made the following representation to their Commandant by Ex. W1:

The Management, instead of giving  $3\frac{1}{2}$  musters for that day as per the existing practice of the Company, has only given 2 musters which is not justified. We therefore request you to kindly look into the matter and arrange to allow us the remaining  $1\frac{1}{2}$  musters for which we shall remain thankful.

By his letter Ex. W2, dated 14th October, 1965 the Commandant replied as below:—

With reference to the above you are hereby informed that the difference of wages due to work done on 15th August, 1965 as per Rules of the Company is being arranged for payment.

It may be noticed that in Ex. W1 the claimants do not mention the fact that the Management had given a compensatory day-off to those workers of the Service and Protection Corps who had worked on 15th August, 1965. Had that fact been stated in Ex. W1, the reply of the Commandant as per Ex. W2 might have been different. In any case, the Commandant was not the authority to determine and decide upon the question raised by the claimants in Ex. W1. It will be noticed that although the claim as made in Ex. W1 is for  $3\frac{1}{2}$  musters, the claim in this dispute before me is for 3 musters relying upon paragraph 340 to 346 of the decision of the Labour Appellate Tribunal. When thus it is seen that the claimants themselves had stepped down from what was put forward in Ex. W1 to what is now claimed in this dispute, it is clear that they have realised that they could not claim a double advantage. As I said before, the case decided by the Labour Appellate Tribunal was not an instance of a paid festival holiday falling on a Sunday or on any other day off. But a different consideration would arise when such a holiday fell on a Sunday or on any other day-off. Ex. M1, dated 22nd May, 1961 is a circular from the General Manager which, among others, lays down that only one extra muster would be given to those who are "allowed a day of rest in lieu of holiday work". Ex. W2 which is dated 14th October, 1965 is very much subsequent to Ex. M1 which is dated 22nd May, 1961. When in Ex. W2 the Commandant referred to the "rules of the Company", it can only be the rule which was extant. And, moreover, it was not brought to his notice that the concerned workers had been given a compensatory day-off.

7. The decision of the Labour Appellate Tribunal, viz., that 3 musters should be given to a worker who is made to work on a paid festival day, would apply to a case of a paid festival holiday not falling on a Sunday or on any other off-day. Therefore the claimants cannot rely upon the decision of the Labour Appellate Tribunal for claiming three musters because 15th August, 1965 was also a Sunday. The Management had given 2 musters and in lieu of a possible third muster for working on a festival holiday it had given a compensatory day-off. That compensatory day-off would equate the third muster. I am satisfied that the Management had properly adjusted the twin fact that 15th August, 1965 was a Sunday besides being a National Holiday. That being so, the claimants cannot claim any further relief over and above what had been given by the Management. That is my finding under the issue in the reference.

Award passed accordingly.

Given under my hand and the seal of the Tribunal, this the 8th day of April, 1968.

(Sd.) M. NAJMUDDIN,  
Industrial Tribunal.

## APPENDIX OF EVIDENCE

## Witnesses examined for :

Workmen :  
Nil

Employers :  
Nil

*Documents marked for Workmen*

- Ex. W1: Representation under Grievance Procedure submitted by 118 workmen of Service and Protection Corps of the Company.  
Ex. W2: Letter dated 14th October, 1965 from the Commandant Service and Protection Corps in reply to Ex. W1.

*Documents marked for Employers*

- Ex. M1: Circular No. P. 14/35/4976 issued by the Singareni Collieries Co. Ltd., on the subject of musters for paid holiday work.

(Sd.) M. NAJMUDDIN,  
Industrial Tribunal.  
[No. 7(19)/66-LRII.]

New Delhi, the 24th April 1968

**S.O. 1580.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Hyderabad, in the matter of an application under Section 33-A of the said Act from Shri Chinachari and 51 other workmen of the Singareni Collieries Company Limited (Post Office Kothagudium Collieries, which was received by the Central Government on the 15th April, 1968.

**BEFORE THE INDUSTRIAL TRIBUNAL (C), ANDHRA PRADESH, HYDERABAD**

**PRESENT:**

Sri Mohammad Najmuddin, M.A., B.L., Chairman, Industrial Tribunal, Andhra Pradesh, Hyderabad.

Miscellaneous Petition No. 71 of 1968

IN

Industrial Dispute No. 30 of 1967

BETWEEN

Chinnachari and 51 other workmen of Singareni Collieries Co. Ltd., P.O. Kothagudium Collieries.

AND

The General Manager, Singareni Collieries Co. Ltd., P. O. Kothagudium Collieries.

**APPEARANCES:**

Sri Dass, President, Andhra Pradesh Koila Kamgar Union, for the workmen.  
Sri K. Srinivasamurthy for the Management.

**AWARD**

This application is under Section 33A of the Industrial Disputes Act. It is filed by Chinachari and others. They are employees of the respondent-Company in its Service & Protection Corps. It has been the practice in the Collieries to give half muster extra for work on a play day or a holiday to the workers in the Service & Protection Corps. That was so till the month of December 1967. On the 15th of that month the Management issued Circular that the question of play day allowance was under review on consultation with the Indian Mining Association. That being so, the circular advised the concerned departments not to book play day allowance for work done on play days till further clarification was communicated. I.D. No. 30/67 is pending here. The parties to that dispute are the Management of the Collieries on the one side and its employees on the other. The issue in it relates to the question of revised wage structure. The applicants are thus concerned with the dispute. The complaint of the applicants is that the circular in question and the consequential suspension of payment of play day allowance was in violation of the provisions of Section 33. Sub-section (1) (a) of section 33 enacts that the employer shall not alter to the prejudice of the workmen conditions of service applicable to them during the pendency of a dispute

before a Tribunal. The stoppage, for that is what it amounts to for the time being of booking of play day allowance as per Circular dated 15th December 1967 amounted to alteration in conditions of service, that condition of service having obtained for a considerable period heretofore. It is prayed in the application that the Management be directed to pay to the applicants their play day allowance. The counter of the Management is that there was no stoppage as such of payment of play day allowance but that it was only a suspension of the same for a temporary period because of the negotiations being carried on with the registered trade unions.

2. Had the matter stood there I might have taken the view that the Management should not have suspended the payment of play day allowance during the course of any negotiations with the Unions, and I would have directed immediate continuation of the condition of service. But there has since been a settlement in respect of the subject of this application. That Memorandum of Settlement dated 14th March, 1968 is under sub-section 3 of Sec. 12 of the I.D. Act. The parties to it are the representatives of the Management, viz., Mr. Vasudevan, the Deputy General Manager and Mr. Bhaskarachari, the Chief Personnel Officer, and four Unions. They are the Singareni Collieries Workers Union, Singareni Collieries Mazdoor Sangh, Tandur Coal Mines Labour Union and the Andhra Pradesh Colliery Mazdoor Sangh. Two office bearers of each of these four unions have subscribed to that Memorandum of Settlement. All the four unions are registered unions, and two of them are recognised unions, viz., the Singareni Collieries Workers Union at Kothagudum and the Tandur Coal Mines Labour Union at Ballampalli. The representative of the applicants, Mr. Dass, is present. He states that he is the President of a union called the Andhra Pradesh Koila Kamgar Union, that this Union had been formed in the month of November 1967 and that it is yet to be registered. Although he says that an application in that behalf had been made to the appropriate authority, Mr. Dass would say that the 52 applicants are members of his newly formed Union and that any of them does not belong to any of the four unions that are party to the Memorandum of Settlement dated 14th March 1968. There is no indication in the application that any of the applicants had cut loose from any of the registered unions and that they had formed a separate union whether it is Koila Kamgar Union or any other union.

3. In view of the fact that four registered unions are party to the Memorandum of Settlement dated 14th March 1968 which, as I said, is under sub-section 3 of Section 12 of the I.D. Act, I am unable to accept the stand taken by Mr. Dass purportedly on behalf of the Koila Kamgar Union which is yet to be registered. The Memorandum of Settlement under mention is a comprehensive document, and it deals with not only the members of the Service & Protection Corps but also with employees in several other departments. It specifies the amount of play day allowance to be paid to the workers in various categories. It applies to not only the daily-raters but also to the monthly-raters. The members of the Service & Protection Corps are among the monthly-rated staff. That being so, the applicants also would get the benefit of the Memorandum of Settlement. The payments to be made are with retrospective effect from 15th August 1967. It would therefore follow that the applicants would also get the benefit of that retrospective effect, and the period of suspension of payment of play day allowance would cease to exist and for that period also there would be payment of play day allowance. The basis of the complaint is thus taken away, although subsequent to the application. The claimants may, if necessary, move the Labour Court for payment under Sec. 33(c). So far as this matter before me is concerned, there is no relief to be granted.

AWARD passed accordingly.

Given under my hand and the seal of the Tribunal, this the 6th day of April 1968.

(Sd.) M. NAJMUDDIN,  
Industrial Tribunal.  
[No. 7/21/67-LRII.]

#### ORDERS

New Delhi, the 23rd April 1968

**S.O. 1581.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Ballarpur Colliery of Messrs. Ballarpur Collieries Company Limited, Post Office Ballarpur

District Chanda (Madhya Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed:

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication:

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

#### SCHEDULE

Whether Sri Laxman Bikru, Sand Packing Fitter in Ballarpur Colliery, Ballarpur resigned from his job voluntarily or whether his resignation was obtained fraudulently by the management? In the latter case to what relief is he entitled?

[No. 3/5/68-LRII.]

*New Delhi, the 24th April 1968*

**S.O. 1582.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Sijua Colliery of Messrs Tata Iron and Steel Company Limited, Post Office Jealgora, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

#### SCHEDULE

Whether the action of the management of Sijua Colliery of Messrs Tata Iron and Steel Company Limited, Post Office Jealgora, District Dhanbad in dismissing Shri Saran Singh, Watchman from service with effect from the 16th October, 1967, was justified? If not, to what relief is the workman entitled?

[No. 2/37/68-LR. II.]

BALWANT SINGH, Under Secy.

(Department of Labour and Employment)

*New Delhi, the 22nd April 1968*

**S.O. 1583.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Madras in the industrial dispute between the employers in relation to (1) Madras Homeward Freight Conference, Madras; (2) Messrs Best and Company Private Limited, Madras; (3) Messrs Binny and Company Limited Madras; (4) Messrs Gordon Woodroffe and Company, Madras; (5) Messrs Annantha Krishna and Company, Madras, and their workman, which was received by the Central Government on 17th April, 1963.

BEFORE THE INDUSTRIAL TRIBUNAL, MADRAS

*Saturday the 30th day of March 1968*

PRESENT:

Thiru M. Tajammul Hussain, B.A., B.L., Industrial Tribunal, Madras

INDUSTRIAL DISPUTE NO. 18 OF 1967

(In the matter of the dispute between the workmen and the management of M/s. Best and Company Private Limited, 13/15, North Beach Road, Madras-1 and other five managements).

BETWEEN

1. Madras Homeward Freight Conference, Madras.
2. M/s. Best and Company Private Ltd., Madras.

3. M/s. Binny and Company Limited, Madras.
4. M/s. Gordon Woodroffe and Company, Madras.
5. M/s. Annantha Krishna and Company, Madras.

AND

The General Secretary, Madras Port and Dock Workers Congress, 11, Phillips St., Madras-1.

#### REFERENCE:

Order dated 16th February, 1967. 28(142)/66-LRIV., Ministry of Labour and Employment and Rehabilitation (Department of Labour and Employment) Government of India, New Delhi.

This dispute coming on for final hearing on Wednesday the 21st and 22nd day of February, 1968 upon perusing the reference, claim and counter statements and all other material papers on record and hearing the arguments of M/s. B. R. Dolla and G. Venkatraman, Advocate for the Union and Thiru M. R. Narayanaswami, Advocate for the management Nos. 2, 4 and 5 and Thiru B. T. Sampath, Senior Labour Officer, authorised representative of the 3rd management and this dispute having stood over till this day for consideration, this Tribunal made the following:

#### AWARD

This is a reference by the Central Government of an industrial dispute between the employers of 1. Madras Homeward Freight Conference, Madras; 2. Messrs. Best and Company Private Limited, Madras; 3. Messrs Binny and Company Limited, Madras; 4. Messrs Gordon Woodroffe and Company, Madras; and 5. Messrs Anantha Krishna and Company, Madras and their workmen in respect of the matter specified in the schedule to the reference. The schedule is as follows:—

“Keeping in view the recommendations of the Central Wage Board for Port and Dock Workers at Major Ports, are the workmen employed by the Madras Homeward Freight Conference and their member employers in their measuring department Madras Port, entitled for any increase in their remuneration in the form of dearness allowance and interim relief? If so, what should be the quantum of such increase and from what date?”

2. The Madras Port and Dock Workers' Congress filed a claim statement. The material allegations in the claim statement are these: The Government of India, constituted a tripartite Central Wage Board for Port and Dock Workers employed in the major ports. The Board was required under its terms of reference to fix fair wages to the employees employed in the major ports and docks in the country. The interim recommendation of the Board was made on 9th April, 1965. As per this recommendation, if the workers received after 31st January, 1964 any increase in the dearness allowance not less than the increase recommended by the Wage Board, no further increase in dearness allowance would be payable to such employees. If it is otherwise the increase in dearness allowance should be paid from 1st October, 1964 at the rate equal to the difference between rate of increase recommended by the Wage Board. In addition to the increased dearness allowance, the Board unanimously recommended payment of an interim relief at Rs. 7.80 P. per month or Rs. 0.30 P. per day to all categories of employees with effect from 1st February, 1965. The interim relief was recommended to be created neither as part of the basic wages nor as Part C dearness allowance till the final recommendations of the Board are made available. The Control Wage Board gave a second interim increase at the rate of Rs. 4 per month or Rs. 0.15 P. per day for all, whether they are daily rated or monthly paid. The Board also recommended that the employees should be paid dearness allowance in future also as and when the Central Government grants dearness allowance to its employees. The Union prays that the management should be directed to pay the dearness allowance at the increased rates from the dates on which they fell due to be implemented and also the two interim increases given by the Wage Board from the dates from which they were due to the workmen together with costs of these proceedings.

The General Secretary, Port and Dock Workers Congress has made an endorsement to the effect that “only the Homeward Freight Conference has to make the payment and the parties 2 to 5 may be relieved and they need not be taken as parties to the dispute.”

4. The contentions of the 1st respondent are these —

The persons employed by the 1st respondent are engaged in the task of measuring cargo for shipment for calculation of freight payable for the cargo. The statement that persons employed by the 1st respondent fall within the definition of the term "dock worker" under the Dock Workers (Regulation of Employment) Act of 1948 is denied. The recommendations of the Central Wage Board for Dock Workers are in no way applicable to the employees. The Wage Board evolved a fifty category termed (e) in its recommendations which is referred to in Appendix to Annexure I of the Claim statement.

5. The claim of the workmen concerned in this reference is sought to be brought in only under that category. Under clause (E) of its recommendations, item No. 5 originally read as "employees who come within the definition of 'Dock Worker' under the Dock Workers (Regulation of Employment) Act, 1948". This has been modified later on by substituting the clause namely, "persons mainly employed in a dock as defined in paragraph 2(3) of the Dock Workers (Safety Health and Welfare) Scheme, 1961" made by the Central Government in exercise of powers conferred by Section 4(1) of Dock Workers (Regulation of Employment) Act, 1948.

6. None of the persons employed by the 1st respondent would fall within the definition of either a dock worker or a person working in a dock as defined in the Dock Workers (Safety, Health and Welfare) Scheme, 1961. The Wage Board itself had no jurisdiction to fix a wage structure for categories of employees other than those governed by the order of reference. In any event, the recommendations being purely of an interim nature, cannot form the subject matter of a reference before the Industrial Tribunal as measures of interim relief cannot be said to fall under the head "conditions of service" so as to attract the applicability of the Industrial Disputes Act. The claim made in the claim statement is wholly untenable.

7. The issue that rises for consideration in this dispute is "are the workmen employed by the Madras Homeward Freight Conference and their member employers in their measuring department at the Madras Port, entitled for any increase in their remuneration in the form of dearness allowance and interim relief?, and if so, what should be the quantum of such increase and from what date?"

8. The claim against respondents 2 to 5 is not pressed and does not arise for consideration.

9. The claim against the Madras Homeward Freight Conference is that it should be directed to pay the dearness allowance at increased rates from the dates from which they were due to the workmen together with costs in these proceedings.

10. The main work of the Madras Homeward Freight Conference consists of measuring cargo for shipment, for calculation of freight payable for the cargo. The Conference denies the allegation that the persons employed by the 1st respondent fall within the definition of the term "dock worker" under the Dock Workers (Regulation of Employment) Act, 1948. According to the Union, the workmen in dispute are coming within the definition of the term "Dock Worker" under the Dock Workers (Safety, Health and Welfare) Scheme, 1961. The management was not justified in refusing to implement the recommendations of the Wage Board and the notified increases in the dearness allowance.

11. The case of the Madras Homeward Freight Conference is as follows:

"The recommendations of the Central Wage Board for Dock Workers are in no way applicable to the employees of the 1st respondent. The relevant clause in the terms of the reference to the Board was contained in paragraph 3 of the resolution, which is as follows:

"(a) to determine the categories of employees manual, clerical, supervisors, etc) who should be brought within the proposed wage fixation."

NOTE: The term "employees" will exclude Class I and II Officers and cover the following:

- (i) persons employed by the Major Port authorities;
- (ii) Dock Workers as defined under the Dock Workers (Regulation of Employment) Act, 1948;

(iii) Employees engaged by Dock Labour Boards and their administrative bodies; and

(iv) Employees engaged by the listed employers”.

12. Instead of confining itself to the terms of reference to work out the wage structure for the categories of employees mentioned above, the Wage Board evolved a fifth category termed (E) in its recommendations which is referred to in appendix to Annexure I of the claim statement. It is contended that the Wage Board had exceeded its jurisdiction in creating a 5th category of employees. Under clause (E) of its recommendations, item 5 originally read as “employees who come within the definition of ‘Dock Worker’ under the Dock Workers (Regulation of Employment) Act, 1948”. This has been modified later by substitution of the following clause, namely, “persons mainly employed in a dock as defined in paragraph 2(3) of the Dock Workers (Safety, Health and Welfare) Scheme, 1961” made by the Central Government in exercise of powers conferred by Section 4(i) of Dock Workers (Regulation of Employment) Act, 1948. None of the persons employed by the respondent would fall within the definition of either a dock worker or a person working in a dock as defined in the Dock Workers (Safety, Health and Welfare) Scheme, 1961.

13. To the claim statement, 5 annexure are attached. The correctness of these annexures is not challenged. From Annexure I, it appears that the Government have decided to accept the recommendations of the Wage Board and to request the concerned employers to implement the same as early as possible. The Appendix to that Annexure mentions the categories of employees connected with Port and Dock Workers in major ports, to whom the recommendations should be applied. Para I A relates to employees of major port authorities. Para I B relates to Dock Workers as defined under Dock Workers (Regulation of Employment) Act, 1948. The 5th category under B of Appendix to Annexure I relates to workmen who are covered by the scheme or not. Clause I, B (5) is as follows: “Similar categories of employees as in items 1 and 2 at all major ports, whether they are covered by the schemes or not”. This clause is comprehensive enough to include the employees under this management also.

14. Annexure II of the claim statement relates to the copy of the resolution dated 19th October, 1966 of the Department of Labour and Employment, Ministry of Labour, Employment and Rehabilitation, Government of India. The relevant portion is this:

“The Board had on 9th April, 1965, recommended the grant of an interim relief with effect from 1st February 1965. The Board’s recommendations were accepted by the Government, by its Resolution No. WB-21(13)/65, dated 27th April, 1965. 2. For some time past, the workers have been asking for a second interim relief. The Board, after having carefully considered the representations and views of parties and all relevant facts, recommends as under:—

A further (second) interim relief of Rs. 4 per month should be paid from 1st August, 1966 to all categories of workers described in Clause of the Board’s earlier recommendations above referred to, on the same terms and conditions as mentioned therein.”

15. Appendices III, IV and V of the claim statement relate to the revised rates of dearness allowance, applicable to the Central Government services. Appendix III relates to the dearness allowance applicable also to those Government servants, with effect from 1st March, 1965. Annexure IV gives the revised rates of D.A. for governmental servants, with effect from 1st December, 1965. Again Annexure V gives the revised rates effective from 1st August 1966.

16. Sub-clause (5) of clause (E) in para I of the Appendix to Government Resolution No. WB-21(15)/65, dated 27th April, 1965 was modified on certain representations made to the Wage Board. The Wage Board has recommended that the following may be substituted in place of sub-clause (5) of clause (E) in para I of the Appendix to the aforesaid resolution:—

“Persons mainly employed in a Dock as defined in para 2(3) of the Dock Workers (Safety, Health and Welfare) Scheme, 1961 made by the Central Government in exercise of powers conferred by section 4(1) of Dock Workers (Regulation of Employment) Act, 1948.”

17. According to the 1st respondent, there are no employees, who come within the term ‘Dock Worker’ under sub-clause (5) of clause (E), under its management.

18. The issue that arises for consideration is as detailed in the schedule to the award, which is as follows:

"Keeping in view the recommendations of the Central Wage Board for Port and Dock Workers at Major Ports, are the workmen employed by the Madras Homeward Freight Conference and their member employers (Annexure A) in their Measuring Department, Madras Port, entitled for any increase in their remuneration in the form of dearness allowance and interim relief? If so, what should be the quantum of such increase and from what date?"

19. According to the Union, sub-clause (5) of Clause B of Appendix to Annexure I will apply and the employees under the present Management are included in that class. Clause B of Ex. M. 1 covers employees, who are Dock Workers as defined under Dock Workers (Regulation of Employment) Act, 1948. Clause 5 is as follows:—

"Similar categories of employees as in items 1 and 2 at all major ports, whether they are covered by the Schemes or not."

20. As contended on behalf of the Union, the employees involved in this reference come under sub-clause 5 of Clause B of Ex. W. 1. The recommendations of the Board would apply to all the categories of workers connected with the Major Ports and Dock Workers in Major Ports, as enumerated thereunder. As the Wage Board could not arrive at a final conclusion within the period fixed for submission of the Board's recommendations to the Government the Board granted an interim relief. According to Clause II, all categories of employees mentioned in Clause I, who are getting dearness allowance at the rates applicable to Government Employees, should continue to be paid dearness allowance on the pattern of the dearness allowance of the Central Government employees. As and when the Government revises the dearness allowance rates for its employees, those workmen should also be given such allowances till the final recommendations of the Board come into effect.

21. There is no substance in the contention of the management that the employees concerned in this reference are not entitled to the benefit of the Wage Board recommendations for interim relief. Under Clause III(A), if any categories of employees were not paid dearness allowance at Government rates, such categories of employees should also be paid dearness allowance from 1st October, 1964 at the rates given thereunder. A second interim relief of Rs. 4 per month was granted by the Wage Board to all categories of workmen described in Clause I of the Board's earlier recommendations. Ex. W. 2 refers to that second relief. Ex. W. 3 refers to the revised rates of dearness allowance with effect from 1st March, 1965, Ex. W. 4 refers to the revised rates of dearness allowance with effect from 1st December, 1965 and Ex. W. 5 gives the revised rates of dearness allowance with effect from 1st December, 1965 and 1st August, 1966.

22. Another contention of the contesting respondent is that the recommendations of the Board being purely of an interim nature, cannot form the subject matter of a reference before the Industrial Tribunal as measures of interim relief cannot be said to fall under the head "conditions of service" so as to attract the applicability of the Industrial Disputes Act.

23. The main recommendation of the Central Wage Board was for grant of interim relief. The Government decided to accept the recommendations of the Wage Board and to request the concerned employers to implement the recommendations as early as possible. It would appear from Ex. W. 1 that the Government of India in the Ministry of Labour and Employment asked the Board to submit its recommendations within 3 months. The Board met for deliberations from 12th to 14th March, 1965. Since the Board could not arrive at final conclusion, the Government was requested to extend the period fixed for the submission of the Board's recommendations of interim relief by one month. The Board recommended the grant of dearness allowance to all categories of employees at the rates specified for the Central Government employees. As the work could not be finalised on 9th April, 1965, the Wage Board requested for one month's time, as stated above. The Board's recommendations were accepted by the Government. Interim relief was granted. The workmen covered in this reference are workers as defined under the Dock Workers (Regulation of Employment) Act, 1948. An industrial dispute can be raised asking for implementation of the recommendations of the Wage Board and for grant of interim relief in terms of the recommendations and the relief asked for can be granted under the provisions of the Industrial Disputes Act.



24. On a consideration of all the circumstances, I hold that the workmen employed by the Madras Homeward Freight Conference in their Measuring Department, Madras Port are entitled to an increase in their remuneration in the form of dearness allowance and interim relief and the Management of the Madras Homeward Freight Conference are directed to pay the dearness allowance at the increased rates from the dates they fell due and also the two interim increases given by the Wage Board from the dates from which they were due to the workmen, as prayed for in para 13 of their claim statement. The issue is found accordingly. No relief is granted against respondents 2 to 5.

25. An award is passed in terms of the above finding on the issue. The 1st respondent is directed to pay Rs. 50 as costs to the Union.

(Sd.) M. TAJAMMUL HUSSAIN,  
Industrial Tribunal.

*List of Witnesses Examined for both side.*

Nil

*List of Documents marked;*

*For the Worker:*

- W. 1 Resolution Government of India Ministry of Labour and Employment—27th April, 1965.
- W. 2 Resolution Government of India Ministry of Labour and Employment—19th October, 1966.
- W. 3 Revised rates of dearness allowance—26th April, 1965.
- W. 4 Revised rates of dearness allowance—7th February, 1966.
- W. 5 Revised rates of dearness allowance—19th October, 1966.

*For the management:*

Nil

NOTE:—The parties are directed to take return of their document/documents within six months from this date.

[No. 28/142/66-LRIV.]

#### ORDER

*New Delhi, the 20th April 1968*

S.O. 1584.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Calcutta Port Commissioners, Calcutta and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad constituted under section 7A of the said Act.

#### SCHEDULE

"Whether the demand of the workmen for the inclusion of certain additional categories of workers in the Incentive Tonnage Scheme is justified? If so, which additional specific categories should be so included; on what basis of performance should incentive allowance be paid to them and what should be the rate of such incentive allowance payments."

[No. 28(108)/67-LRIII.]

C. RAMDAS, Under Secy.

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

*New Delhi, the 23rd April 1968*

S.O. 1585.—In exercise of the powers conferred by Clause (a) of Sub-Section (2) of Section 16 of the Displaced Persons (Compensation and Rehabilitation)

Act, 1954 (44 of 1954), the Central Government hereby appoints, for the States of Punjab and Haryana, Shri Gurdial Singh Gulati, Settlement Officer in the office of Regional Settlement Commissioner, Jullundur, as Managing Officer for the custody, management and disposal of compensation pool.

[No. F.(4) AGZ/65.]

#### ORDER

*New Delhi, the 19th April 1968*

S.O. 1586.—In pursuance of Rule 11-D(D)(A) of the Evacuee Interest (Separation) Rules, 1951, the Central Government hereby makes the following order to amend the order published with the notification of the Government of India in the late Ministry of Works, Housing and Rehabilitation (Department of Rehabilitation) No. S.O. 531 dated 6th February, 1964, namely:—

In the said order,

For the words and figures “31st March, 1968” the words and figures “30th September, 1968” shall be substituted.

[No. 5(24)/59/Prop. II-Comp. & Prop.]

A. G. VASWANI, Settlement Commissioner &  
*Ex-officio* Under Secy.

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

*New Delhi, the 26th April 1968*

S.O. 1587.—In exercise of the powers conferred on the Chief Settlement Commissioner by sub-section 2 of Section 10 of the Displaced Persons (Claims) Supplementary Act, 1954 (XII of 1954) he hereby delegates to Shri Sudershan Agarwal, Settlement Commissioner, the following powers of Chief Settlement Commissioner:—

- (1) Powers to call for the record of any case decided by the Settlement Officer and pass orders in the case under proviso to Sub-Section (8) of Section 4 of the said Act,
- (2) Special powers of revision under Section 5 of the said Act in respect of cases decided under the Displaced Persons (Claims) Supplementary Act, 1950 (44 of 1950).

[No. 6(7)AGZ/67.]

H. K. TANDON,

Chief Settlement Commissioner.

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

*New Delhi, the 18th April 1968*

S.O. 1588.—In exercise of the powers vested in me under sub-section (2) of Section 24 of the Administration of Evacuee Property Act, 1950 (Act XXXI of 1950) I, R. B. Mathur, Regional Settlement Commissioner-cum-Custodian of Evacuee Property, Delhi, hereby delegate to Shri Radha Krishna, Deputy Custodian in my office, powers to hear appeals presented to the Custodian under Section 24(1)(a) of the A.E.P. Act 1950 against the orders passed by an Assistant Custodian.

2. This cancels the Notification dated the 28th September, 1967, which appeared under S.O. No. 3670 (Office of the Regional Settlement Commissioner) at page 3862 in the Gazette of India Part II, Section 3, Sub-Section (ii), No. 41 dated the 14th October, 1967.

[No. 28(51)/Admn/RSCD/59.]

R. B. MATHUR,

Regional Settlement Commissioner-cum-Custodian.

**MINISTRY OF INDUSTRIAL DEVELOPMENT AND COMPANY AFFAIRS****(Department of Industrial Development)****NOTIFIED ORDER***New Delhi, the 20th April 1968*

**S.O. 1589.**—In exercise of the powers conferred by Section 18A of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints Shri S. N. Lahiri as the Authorised Controller of the India Electric Works Limited in place of Shri P. C. Basu with effect from the 20th April, 1968 (A.N.) and make the following further amendment in its notified Order No. S.O. 2695 dated the 8th November, 1960/Kartika 17, 1882, namely:

In the said Order for the words "Shri P. C. Basu, Joint Development Commissioner, Small Scale Industries, Ministry of Commerce and Industry" the words "Shri S. N. Lahiri, Secretary, the India Electric Works Limited, Calcutta" shall be substituted.

2. This Order shall have effect upto and inclusive of 10th June, 1968.

[No. 1(5)/67-LEEL]

LAL KHAMA, Under Secy.

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**(Department of Industrial Development)****ORDER***New Delhi, the 25th April 1968*

**S.O. 1590/IDRA/5.**—In exercise of the powers conferred by section 5 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), read with rule 8 of the Central Advisory Council (Procedural) Rules, 1952, the Central Government hereby appoints Shri G. M. Modi and Shri N. M. Wagle to be members of the Central Advisory Council of Industries till the 3rd November, 1969, in place of Shri L. N. Birla and Shri C. A. Pitts respectively and directs that the following amendments shall be made in the Order of the Government of India in the Ministry of Industrial Development and Company Affairs (Department of Industrial Development) No. S.O. 4044, dated the 4th November, 1967, namely:—

(a) In the said Order, for the entry No. 2 relating to Shri L. N. Birla, the following entry shall be substituted; namely:

"2. Shri G. M. Modi, President, Federation of Indian Chambers of Commerce and Industry, Federation House, New Delhi-1."

(b) In the said Order, for entry No. 3, relating to Shri C. A. Pitts, the following entry shall be substituted, namely:

"3. Shri N. M. Wagle, President, The Associated Chambers of Commerce and Industry of India, Royal Exchange, 6, Netaji Subhas Road, Calcutta."

(c) In the said order, the existing entry No. 11, relating to Shri G. M. Modi, Chairman, Modi Industries, Modi Nagar, (U.P.) may be deleted.

[No. 1(5)Lic. Pol./67.]

R. C. SETHI, Under Secy.


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**(Department of Industrial Development)****(Indian Standards Institution)***New Delhi, the 18th April 1968*

**S.O. 1591.**—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution hereby notifies that the Standard Mark design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from 16th May 1968 :

## THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and Title of the Relevant Indian Standard	Verbal description of the design of the Standard Mark
(1)	(2)	(3)	(4)	(5)
1	IS 2682 	Chlordane emulsifiable concentrates	IS:2682-1966 Specification for chlordane emulsifiable concentrates.	The monogram of the Indian Standards Institution consisting of letters 'ISI' drawn in the exact style and relative proportions as indicated in col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.

## I ]

[No. MD/17 : 2]

**S.O. 1592**—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee per unit for chlordane emulsifiable concentrates, details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 16th May 1968:

## THE SCHEDULE

Sl. No.	Product/Class of Products	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit
(1)	(2)	(3)	(4)	(5)
1.	Chlordane emulsifiable concentrates,	IS : 2682-1966 Specification for chlordane emulsifiable concentrates.	One litre	3 Paise

[No. MD/18 : 2]

New Delhi, the 19th April, 1968

**S.O. 1593** In pursuance of sub-regulation (1) of Regulation 8 of the Indian Standards Institution (Certification Marks) Regulation, 1955, as subsequently amended, the Indian Standards Institution hereby notifies that eightyone licences, particulars of which are given in the schedule hereto annexed, have been renewed.

THE SCHEDULE

Sl. No.	Licence No. and date	Period of From	Validity To	Name and address of the licensee	Article/Process covered by the licence	Relevant Indian Standard
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	CM/L-7 27-12-1955	1-4-68	31-3-69	The Pioneer Magnesia Works Ltd., 113/115, Mahatma Gandhi Road, Fort, Bombay.	Magnesium chloride, grade 3.	IS:354-1962 Specification for magnesium chloride ( <i>revised</i> ).
2	CM/L-50 20-1-1958	1-2-68	31-1-69	M/s. East India Plywood Co. Private Ltd., 2 Netaji Subhas Road, Calcutta.	Tea-chest plywood panels.	IS:10-1964 Specification for plywood tea-chest ( <i>second revision</i> ).
3	CM/L-120 20-3-1959	1-4-68	31-3-69	M/s. Himalayan Plywood Industries Pvt. Ltd., Tinsukia (Assam).	Tea-chest plywood panels.	IS:10-1964 specification for plywood tea-chests ( <i>second revision</i> ).
4	CM/L-162 5-2-1960	1-4-68	31-3-69	M/s. National Pipes & Tubes Co. Ltd., Shamnagar, Eastern Railway, having their Regd. Office at Nicco House, Hare Street, Calcutta-1.	(a) Naval brass rods, bars and sections. (b) Free cutting brass rods and sections. (c) High tensile brass rods and sections.	(i) IS:291-1961 specification for naval brass rods and sections (suitable for machining and forging) ( <i>revised</i> ). (ii) IS:319-1962 Specification for free cutting brass rods and sections ( <i>revised</i> ). (iii) IS:320-1962 Specification for high tensile brass rods and sections ( <i>revised</i> ).
5	CM/L-163 5-2-1960	1-4-68	31-3-69	M/s. National Pipes & Tubes Co. Ltd., Shamnagar, Eastern Railway, having their Regd. Office at Nicco House, Hare Street, Calcutta-1.	(a) Copper rods for boiler stay bolts and rivets. (b) Copper rods for electrical purposes.	(i) IS:288-1960 Specification for copper rods for boiler stay bolts and rivets ( <i>revised</i> ). (ii) IS:613-1964 Specification for copper rods for electrical purposes ( <i>revised</i> ).

(1)	(2)	(3)	(4)	(5)	(6)	(7)
6	CM/L-170 11-3-1960	1-4-68	31-3-69	The Britannia Biscuit Co. Ltd., 15, Taratola Road, Calcutta-27.	Biscuits (excluding wafer biscuits) of the following varieties: Glaxo, Bourbon, bournvita dainty cream, nice, digestive, orange cream, circus petit beurre, marie, cottage cream, ginger nuts, embassy cream, thin arrow-root, cream crackers, nimki, golden puff cheeselets britta, zesta, coconut cookies, club snax, fruit cream, horlicks.	IS:1011-1957 Specification for biscuits (excluding wafer biscuits).
7	CM/L-171 11-3-1960	1-4-68	31-3-69	The Britannia Biscuit Co. Ltd., Reay Road, Mazagaon, Bombay-10.	Biscuits (excluding wafer biscuits).	IS:1011-1957 Specification for biscuits (excluding wafer biscuits).
8	CM/L-172 11-3-1960	1-4-68	31-3-69	M/s. Parle Product Private Ltd., North Level Crossing, Vile Parle, Bombay-24.	Biscuits (excluding wafer biscuits) of the following varieties:  Gluco, monaco, bikkies, korumba, khara, PPC.	IS:1011-1957 Specification for biscuits (excluding wafer biscuits).
9	CM/L-173 11-3-1960	1-4-68	31-3-69	M/s. Lily Biscuits Co. Pvt. Ltd., 3, Ramakanta Sen Lane, Ultadanga, Calcutta-4.	Biscuits (excluding wafer biscuits) of the following varieties: Carnival, lucky, banana, cream, lova, thur, daisy, rosy, nonta, lily, zoological, Gem, Boston cream, charm, custard cream, malto, barley, fruit cream, orange cream, nice, choice, marie, cream, cracker, and chocolate cream.	IS:1011-1957 Specification for biscuits (excluding wafer biscuits).

10	CM/L-174 11-3-1960	1-4-68	13-3-69	M/s. Sathe Biscuit & Chocolate Co. Ltd., 820, Bhavani Peth, Poona-2.	Biscuits (excluding wafer biscuits) of the following varieties:  Francis, orange, orange cream, gluca lactine, shrewsbury, maltex, saltex, esbik.	IS:1011-1957 Specification for biscuits (excluding wafer biscuits).
11	CM/L-175 14-3-1960	1-4-68	13-3-69	M/s. Camlin Private Limited, 210, Lady Jamshedji Road, Mahim, Bombay-16.	(1) Ferro-gallo tannate fountain pen ink (0.1 percent iron content).  (2) Ferro-gallo tannate fountain pen ink (0.2 percent iron content).	IS:220-1959 Specification for ferro-gallo tannate fountain pen ink (0.1 per cent iron content) (revised). IS:1581-1960 Specification for ferro-gallo tannate fountain pen, ink (0.2 per cent iron content).
12	CM/L-176 14-3-1960	1-4-68	31-3-69	M/s. Camlin Private Limited, 210, Lady Jamshedji Road, Mahim Bombay-16.	Dye-based fountain pen ink, blue, red, black and green.	IS:1221-1957 Specification for dye based fountain pen ink (blue, green, violet, black and red).
13	CM/L-269 30-1-1961	1-2-68	31-1-69	M/s. Flintrock Products Pvt. Ltd., Belvedere Road, Mazgaon, Bombay-10.	DDT water dispersible powder concentrates.	IS:565-1961 Specification for DDT water dispersible powder concentrates (revised).
14	CM/L-275 15-2-1961	1-3-68	28-2-69	M/s. Sudhir Chemical Company, 243-Samual Street, Vadgadi, Bombay-3.	Copper oxychloride water dispersible powder concentrates.	IS:1507-1966 Specification for copper oxychloride water dispersible powder concentrates (revised).
15	CM/L-386 5-3-1962	16-3-68	15-3-69	The Indian Yeast Co. Ltd., Bhadrakali, Konnagar, West Bengal having their Office at 4, Bankshell Street, Calcutta-1.	Baker's yeast, dried.	IS:1320-1958 Specification for baker's yeast.
16	CM/L-337 5-3-1962	16-3-68	15-3-69	M/s. Boots Pure Drug Co. (India) Ltd., Sion, Bombay-22 having their registered office at 17, Nicol Road, Bombay-1.	Copper oxychloride dusting powders.	IS:1506-1967 Specification for copper oxychloride dusting powders (revised).
17	CM/L-389 5-2-1962	16-3-68	15-3-69	The National Insulated Cable Co. of India Limited, Saamnagar, 24-Parganas, West Bengal having their registered office at Nicco House, Hare Street,	PVC cables only (250 volts and 650 volts grade).	(i) IS : 694 (Part I)-1964 Specification for PVC insulated cables (for voltages up to 1 100 V) with copper conductors (revised).

(1)	(2)	(3)	(4)	(5)	(6)	(7)
				Calcutta-1.		(ii) IS:694 (Part II)-1964 Specification for PVC insulated cables (for voltages up to 100V) with aluminium conductors ( <i>revised</i> ).
18	CM/L-392 20-3-1962	1-4-68	31-3-69	M/s. Hindustan Steel Ltd., Durgapur Steel Project, P. O. Durgapur-3, Dt. Burdwan having their Regd. Office at Bihar Sectt. Building, P. O. Hinoo, Ranchi.	Mild steel and medium tensile steel bars for concrete reinforcement.	IS: 432-1960- Specification for mild steel and medium tensile steel bars and hard-drawn steel wire for concrete reinforcement ( <i>revised</i> ).
19	CM/L-393 20-3-1962	1-4-68	31-3-69	M/s. Hindustan Steel Ltd., Durgapur Steel Project, P. O. Durgapur-3, Dt. Burdwan having their Regd. Office at Bihar Sectt. Building, P. O. Hinoo, Ranchi.	Structural steel (high tensile).	IS:961-1962 Specification for structural steel [high tensile] ( <i>revised</i> ).
20	CM/L-394 20-3-1962	1-4-68	31-3-69	M/s. Hindustan Steel Ltd., Durgapur Steel Project, P.O. Durgapur-3, Dt. Burdwan having their Regd. Office at Bihar Sectt. Building, P. O. Hinoo, Ranchi.	Rivet bars for structural purposes.	IS: 1148-1964 Specification for rivet bars for structural purposes ( <i>revised</i> ).
21	CM/L-395 20-3-1962	1-4-68	31-3-69	M/s. Hindustan Steel Ltd., Durgapur Steel Project, P.O. Durgapur-3, Dt. Burdwan having their Regd. Office at Bihar Sectt. Building, P.O. Hinoo, Ranchi.	High tensile rivet bars for structural purposes.	IS:1149-1964 Specification for high tensile rivet bars for structural purposes ( <i>revised</i> ).
22	CM/L-475 27-11-1962	1-4-68	31-3-69	M/s. V. Gopalakrishnan Chettiar & Co., proprietors : M/s. Madura Metal Products, 32, 32-A, Bridge Station Road, Sellur, Tallakulam P. O. Madras-2	Wrought aluminium circles grades SIB and SIC.	IS:21-1959 Specification for wrought aluminium and aluminium alloy for utensils ( <i>second revision</i> ).



23	CM/L.508 25-2-1963	16-3-68	15-3-69	M/s. Tata Fison Industries Ltd., Endrin emulsifiable concentrates Palluruthy, Cochin-5 having their office at Union Bank Bldg., Dalal Street, Fort, Bombay-1.	IS:1310-1958 Specification for endrin emulsifiable concen- trates.
24	CM/L.514 7-3-1963	16-3-68	15-3-69	The Indian Tool Manufacturers Ltd., 101, Sion Road, Bombay-22.	Parallel shank (short series) and taper shank twist drills. IS:599-1960 Specification for twist drills (revised).
25	CM/L.515 15-3-1963	1-4-68	31-3-69	M/s. A.M. Rehmani, 1863, Kalupur, Panchapatty, Ahmedabad-1,	Dye-based fountain pen ink, blue, green, red and black. IS:1221-1957 Specification for dye-based fountain pen ink (blue, green, violet, black and red).
26	CM/L.516 27-3-1963	1-4-68	31-3-69	M/s. Henley Cables India Limited, Sholapur Road, Poona-1 having their Regd Office at Henley House, Ballard Estate, Fort, Bombay-1.	Rubber insulated cables of the following types: (i) IS:434 (Part I)-1964 Specifi- cation for rubber insulated cables with copper conductors (re- vised). (ii) IS:434 (Part II)-1964 Specifi- cation for rubber insulated cables with aluminium conduc- tors (revised).
				(a) VIR Voltage Conductor Cables Grade for Fixed Wiring	
				(i) Tough rubber sheathed (ii) Braided and Com-pounded (iii) Weather proof (iv) weather-proof (v) Flame retard- ing	250/440 & 650/1100 Volts 250/440 & 650/1100 Volts 250/440 Volts 650/1100 Volts 250/440 & 650/1100 Volts
					Copper or aluminium
					Aluminium only
					Aluminium only
				(b) VIR Flexible Cables	
				(vi) TRS welding cables	.. Copper only

(1)	(2)	(3)	(4)	(5)	(6)	(7)
				(c) <i>VIR</i> <i>Flexible</i> <i>Cords</i>		
				(vii) Twin- twisted— Domes- tic type.	250/ 440 Volts.	Copper only.
				(viii) Tough- rubber sheathed.		
				(ix) Braided and com- pounded (work- shop type).		
27	CM/L-523 27-3-1963	1-4-68	31-3-69	M/s. Kamrup Industries Pvt. Ltd., 9, Old Court House St. Calcutta-1 (Factory at 96, Mohendra Banerji Road, Behala, Calcutta-34).	Tea-chest plywood panels	IS:10-1964 Specification for plywood tea-chests (second revision).
28	CM/L-622 23-1-1964	1-3-68	28-2-69	M/s. R. N. Datta & Company, 30 Bediadanga, 2nd Lane, Calcutta-39 having their Office at Mercantile Buildings, Block 'D', 1st Floor, 10/1 F. Lall Bazar Street, Calcutta-1.	Steel conduits for electrical wir- ing.	IS:1653-1964 Specification for rigid steel conduits for electrical wiring (revised).
29	CM/L-629 18-2-1964	16-3-68	15-3-69	M/s. Usha Martin Black (Wire Ropes) Ltd., Tatisilwai, Ranchi, having their Regd. Office at 14, Princep Street, Calcutta- 13.	(i) Steel wire ropes for winding purposes in mines. (ii) Steel wire ropes for haulage purposes in mines.	(i) IS:1855-1961 Specification for steel wire ropes for winding purposes in mines. (ii) IS:1856-1961 Specification for steel wire ropes for haulage purposes in mines.

30	CM/L-631 21-2-1964	1-4-68	31-3-69	M/s. Bayer (India) Ltd., Off Cadell Road, Bombay-28 having their Registered Office at Nagin Mahal, 6th Floor, Veer Nariman Road, Fort, Bombay-1.	Formulations based on stabilized methoxy ethyl mercury chloride concentrates.	IS:2358-1963 Specification for formulations based on stabilized methoxy ethyl mercury chloride concentrates.
31	CM/L-632 21-2-1964	1-4-68	31-3-69	M/s. Bayer (India) Ltd., Off Cadell Road, Bombay-28 having their Registered Office at Nagin Mahal, 6th Floor, Veer Nariman Road, Fort, Bombay-1.	Organo mercurial dry seed-dressing formulations.	IS:3284-1965 Specification for organo mercurial dry seed-dressing formulations.
32	CM/L-633 26-2-1964	16-3-68	15-3-70	The Indian Iron & Steel Co Ltd., Burnpur Works, P. O. Burnpur, Dt. Burdwan, West Bengal having their Regd. Office at 12, Mission Row, Calcutta-1.	Galvanized steel sheets (plain and corrugated).	IS:277-1962 Specification for galvanized steel sheets (plain and corrugated) ( <i>revised</i> ).
33	CM/L-634 26-2-1964	16-3-68	15-3-70	The Indian Iron & Steel Co., Ltd., Burnpur Works, P. O. Burnpur, Dt. Burdwan, West Bengal having their Registered Office at 12, Mission Row, Calcutta-1.	Hot rolled carbon steel sheet and strip	IS:1079-1963 Specification for hot rolled carbon steel sheet and strip ( <i>revised</i> )
34	CM/L-635 26-2-1964	16-3-68	15-3-70	The Indian Iron & Steel Co Ltd, Burnpur Works, P. O. Burnpur, Dt. Burdwan, West Bengal having their Regd. Office at 12, Mission Row, Calcutta-1.	Structural steel (ordinary quality)	IS:1977-1962 Specification for structural steel (ordinary quality)
35	CM/L-636 26-2-1964	16-3-68	15-3-70	The Indian Iron & Steel Co. Ltd, Burnpur Works, P. O. Burnpur, Dt. Burdwan, West Bengal having their Regd. Office at 12, Mission Row, Calcutta-1.	Structural steel (fusion welding quality).	IS:2062-1962 Specification for structural steel (fusion welding quality).
36	CM/L-637 26-2-1964	16-3-68	15-3-69	The Mysore Iron & Steel Ltd., Bhadravati (Mysore State)	Structural steel (standard quality)	IS:226-1962 Specification for structural steel (standard quality) ( <i>third revision</i> ).
	CM/L-638 26-2-1964	16-3-68	15-3-69	The Mysore Iron & Steel Ltd, Bhadravati (Mysore State).	Structural steel (ordinary quality)	IS:1977-1962 Specification for structural steel (ordinary quality)

(1)	(2)	(3)	(4)	(5)	(6)	(7)
38	CM/L-640 27-2-1964	1-4-68	31-3-69	M/s. Bharat Pulverising Mills Pvt. Ltd., 'Hazamar House', 28, Sayani Road, Bombay-28.	COC Water dispersible powder concentrates	IS:1507-1966 Specification for COC Water dispersible powder concentrates.
39	CM/L-736 20-6-1964	16-3-68	15-3-69	M/s Bombay Steel Rolling Mills Ltd., Kalyani, District Nadia (W. Bengal) having their Office at 33, Netaji Subhas Road, Calcutta.	Structural steel (standard quality).	IS:226-1962 Specification for structural steel (standard quality) (third revision).
40	CM/L-737 20-6-1964	16-3-66	15-3-69	M/s Bombay Steel Rolling Mills Ltd., Kalyani, District Nadia (W. Bengal) having their Office at 33, Netaji Subhas Road, Calcutta.	Structural steel (ordinary quality)	IS:1977-1962 Specification for structural steel (ordinary quality).
41	CM/L-741 10-7-1964	1-4-68	31-3-69	M/s. Himachal Government Rosin & Turpentine Factory, Nahan (Himachal Pradesh).	Gum spirit of turpentine grades 1 & 2	IS:533-1954 Specification for gum spirit of turpentine (oil of turpentine).
42	CM/L-751 30-7-1964	1-4-68	31-3-69	M/s Himachal Government Rosin and Turpentine Factory, Nahan (Himachal Pradesh).	Rosin (gum rosin) types—pale, medium and dark.	IS:553-1955 Specification for rosin (gum rosin).
43	CM/L-785 22-9-1964	16-3-68	15-3-69	M/s. Art Leather Private Ltd., Bhore having their registered Office at Sir Vithaldas Chambers 16, Apollo Street, Fort, Bombay-1.	Tracing cloth	IS:2037-1962 Specification for tracing cloth.
44	CM/L-991 21-1-1965	1-2-68	31-1-69	M/s Assam Forest Products Pvt Ltd, Makum Junction (Assam) having their Registered Office at Dibrugarh (Assam).	Plywood for general purposes	IS:303-1960 Specification for plywood for general purposes (revised).
45	CM/L-1015 26-2-1965	16-3-68	15-3-69	M/s Capstan Meters (India) Ltd, Tonk Road (Near Durgapura), Jaipur having their Office at 52, Janpath, New Delhi.	Water meters (domestic type) (a) Dry-dial type-15 mm, 20 mm, 25 mm and 40 mm sizes. (b) Wet-dial type-15 mm size.	IS:779-1965 Specification for water meters (domestic type) (second revision)
46	CM/L-1016 26-2-1965	16-3-68	15-3-69	M/s National Electro Mechanical Co, Dhebarbhai Road, Rajkot-2.	Three-phase Induction motors up to 3 HP only.	IS:325-1961 Specification for three-phase induction motors (second revision).

47	CM/L-1020 4-3-1965	1-4-68	31-3-69	M/s. Andolan Milk Products Ltd., Condensed milk, full cream Buddha Road, Muzaffarnagar, sweetened. U. P. having their Registered Office at P-38, India Exchange Place, Calcutta-1.	IS:1166-1957 Specification for condensed milk.
48	CM/L-1038 22-3-1965	1-4-68	31-3-69	M/s. Bharat Pulverising Mills DDT emulsifiable concentrates Pvt. Ltd., Hexamar, House, 11, 28-A, Sayani Road, Bombay.	IS:633-1956 Specification for DDT emulsifiable concentrates.
49	CM/L-1041 25-3-1965	1-4-68	31-3-69	The Indian Iron & Steel Co. Carbon steel bars, billets, blooms Ltd., Burnpur Works, P. O. and slabs for forgings. Burnpur, Dist. Burdwan, West Bengal having their Regd. Office at 12, Mission Row, Calcutta-1.	IS:1875-1966 Specification for carbon steel billets, blooms and slabs for forgings (revised).
50	CM/L-1042 25-3-1965	1-4-68	31-3-69	The Indian Iron & Steel Co. Ltd., Carbon steel billets for re-rolling Burnpur Works, P.O. Burnpur into structural steel (standard Distt. Burdwan, West Bengal quality). having their Regd. Office at 12, Mission Row, Calcutta-1.	IS: 2830-1964 Specification for carbon steel billets for re-rolling into structural steel $\frac{1}{2}$ (standard quality).
51	CM/L-1043 25-3-1965	1-4-68	31-3-69	The Indian Iron & Steel Co., Carbon steel billets for re-rolling Ltd., Burnpur Works, P.O. into structural steel (ordinary Burnpur, Distt. Burdwan, quality). West Bengal having their Regd. Office at 12, Mission Row, Calcutta-1.	IS: 2831-1964 Specification for carbon steel billets for re- rolling into structural steel (ordi- nary quality).
52	CM/L-1045 26-3-1965	1-4-68	31-3-69	M/s. Lucky Acid and Chemical Hydrochloric acid, technical Works, 32/2, Murari Pukur pure and analytical reagent Road, Calcutta-4. grades.	IS: 265-1962 Specification for hydrochloric acid (revised).
53	CM/L-1207 4-2-1966	1-4-68	31-3-69	M/s. Power Cables Private Ltd., Mild steel wire for general en- Vithalwadi, Kalyan (Maharashtra gineering purposes. State).	IS: 280-1962 Specification for mild steel wire for general engineering purposes (revised).
54	CM/L-1209 15-2-1966	1-4-68	31-3-69	M/s. Hindustan Kokoku Wire Steel wire for the core of steel- Ltd., 12th Milestone, Delhi- cored aluminium conductor Mathura Road, Faridabad, for overhead power transmis- Distt. Gurgaon (Punjab) sion purposes. having their Regd. Office at M-10, New Delhi—South Extension, Part II, New Delhi-16.	IS: 398-1961 Specification for hard-drawn stranded aluminium and steel-cored aluminium con- ductors for overhead power trans- mission purposes (revised).

(1)	(2)	(3)	(4)	(5)	(6)	(7)
55	CM/L-1215 28-2-1966	16-3-68	15-3-69	The Mysore Iron and Steel Ltd. Bhadravati (Mysore State).	Structural Steel (fusion welding quality).	IS: 2062-1962 Specification for structural steel (fusion welding quality).
56	CM/L-1216 28-2-1966	16-3-68	15-3-69	The Mysore Iron and Steel Ltd. Bhadravati (Mysore State).	Carbon steel bars, billets, blooms and slabs for forgings.	IS: 1875-1966 Specification for carbon steel, billets, blooms and slabs for forgings (revised).
57	CM/L-1219 3-3-1966	1-4-68	31-3-69	M/s. Modi Arc Electrodes Co., Modinagar, Distt. Meerut (U.P.)	Covered electrodes for metal arc welding of mild steel, nor- mal penetration type only.	IS: 814-1963 Specification for covered electrodes for metal arc welding of mild steel (revised).
58	CM/L-1220 3-3-1966	16-3-68	15-3-69	M/s. J. K. Steel Limited, Rishra Distt. Hooghly (West Bengal) having their Office at 18, Rabindra Sarani, Calcutta-1.	(i) Steel wire ropes for haulage purposes in mines. (ii) Steel wire ropes for winding purposes in mines.	(i) IS: 1856-1961 Specification for steel wire ropes for haulage pur- poses in mines. (ii) IS: 1855-1961 Specification for steel wire ropes for winding purposes in mines.
59	CM/L-1223 9-3-1966	16-3-68	15-3-69	M/s. Calcutta Plywood Mfg. Co., P.O. LEDO, District Lakhimpur (Assam) having their Office at P 46A, C.I.T. Scheme XLV, Radhabazar Lane, Calcutta-1.	Tea-chest plywood panels.	IS: 10-1964 Specification for plywood tea chests (second revision).
60	CM/L-1225 11-3-1966	16-3-68	15-3-69	M/s. J.J.H. Industries Private Limited, 9, Transport Depot Road, (Hide Road Extension), Calcutta-27.	Hard drawn stranded aluminium and steel cored aluminium conductors for overhead power transmission purposes.	IS: 398-1961 Specification for hard drawn stranded alumi- nium and steel-cored aluminium conductors for overhead power transmission purposes (revised).
61	CM/L-1226 11-3-1966	16-3-68	15-3-69	M/s. Bindawala Industrial Cor- poration, Rishra, Hooghly having their Office at 6 Hans- pukur 1st Lane, Calcutta-7.	Hard drawn stranded aluminium and steel-cored aluminium conductors for overhead power transmission purposes.	IS: 398-1961 Specification for hard drawn stranded aluminium and steel-cored aluminium con- ductors for overhead power transmission purposes (revised).

62	CM/L-1227 11-3-1966	16-3-68	15-3-69	M/s. Nahan Foundry Limited, Nahan, Distt. Sirmur (H.P.)	Three-phase induction motors (upto 15 HP only).	IS: 325-1961 Specification for three-phase induction motors (second revision)
63	CM/L-1228 17-3-1966	1-4-68	31-3-69	M/s. Prakash Pulverising Mills, Industrial Area, Alwar.	Aldrin dusting powders.	IS: 1308-1958 Specification for aldrin dusting powders.
64	CM/L-1231 25-3-1966	1-4-68	31-3-69	M/s. Special Steels Limited, Dattapara Road, Borivli, Bombay-66.	Galvanized armour wires for electric cables.	(i) IS: (434 Part-I)-1964 Specifi- cation for rubber insulated cables with copper conductors (revised). (ii) IS: (434 Part II)-1964 Specifi- cation for rubber insulated cables with aluminium conduc- tors (revised). (iii) IS 692-1965 Specification for paper insulated lead-sheathed cables for electricity supply (revised). (iv) IS: 1554 (Part I)-1964 Specifi- cation for PVC insulated (heavy duty) electric cables for working voltages upto and in- cluding 1100 volts (revised).
65	CM/L-1234 29-3-1966	1-4-68	31-3-69	M/s. Mehsana Distt. Co-opera- tive Milk Producers' Union Ltd., Dudhsagar Dairy, State Highway, Mehsana (North Gujarat).	Milk powder (whole and skim).	IS: 1165-1957 Specification for milk powder (whole and skim).
66	CM/L-1239 4-4-1966	16-4-68	15-4-69	M/s. Venkateswara Agro Chemicals & Minerals, 6/303, Thiruvottiyur High Road, Madras-21.	BHC dusting powders.	IS: 561-1961 Specification for BHC dusting powders (second revision).
67	CM/L-1240 4-4-1966	16-4-68	15-4-69	M/s. Venkateswara Agro Chemi- cals & Minerals, 6/303, Thiruvottiyur High Road, Madras-21.	DDT dusting powders.	IS: 564-1961 Specification for DDT dusting powders.
68	CM/L-1379 30-12-1966	16-1-68	15-1-69	M/s. Alembic Chemical Works Co. Ltd., Alembic Road, Baroda-3.	Parathion emulsifiable concen- trates.	IS: 2129-1962 Specification for Parathion emulsifiable concen- trates.

(1)	(2)	(3)	(4)	(5)	(6)	(7)
69	CM/L-1397 28-2-1967	1-3-68	[28-2-69	M/s. Central Insecticides & Fertilisers, Saki Naka, Vihar Lake Road, Kurla, Bombay-70.	Copper oxychloride water dispersible powder concentrates.	IS: 1507-1966 Specification for copper oxychloride water dispersible powder concentrates ( <i>revised</i> ).
70	CM/L-1398 28-2-1967	1-3-68	28-2-69	M/s. Central Insecticides & Fertilisers, Saki Naka, Vihar Lake Road, Kurla, Bombay-70.	Aldrin dusting powders.	IS: 1308-1958 Specification for aldrin dusting powders.
71	CM/L-1400 28-2-1967	1-3-68	28-2-69	M/s. Bharat Minerals & Chemicals Co., Transport Depot Road, Calcutta-70 having their Office at 174, Mahatma Gandhi Road, Calcutta-7.	Endrin emulsifiable concentrates.	IS: 1310-1958 Specification for Endrin emulsifiable concentrates.
72	CM/L-1401 28-2-1967	6-3-68	15-3-69	M/s. Industrial Mineral & Chemical Co., Kurla Marol Road, Chakala. Andheri, Bombay-58 having their Office at 125, Narayan Dhuru Street, Nagdevi, Bombay-3.	BHC dusting powders.	IS: 561-1962 Specification for BHC dusting powders ( <i>second revision</i> ).
73	CM/L-1403 3-3-1967	16-3-68	15-9-68	M/s. Indian Mineral Industries Ltd., Trenching Ground Approach Road, Agarpara, 24 Parganas having their Office at 24/1, Durn Dum Road, Calcutta-2.	BHC water dispersible powder concentrates.	IS: 562-1962 Specification for BHC water dispersible powder concentrates ( <i>second revision</i> ).
74	CM/L-1404 8-3-1967	16-3-68	15-3-69	M/s. Tata Fison Industries Ltd., 431/4, Panchpokhadi Village, Balrajeshwar Road, Mulund, Bombay-80 having their Office at Union Bank Building, Dalal Street, Fort, Bombay.	Malathion emulsifiable concentrates.	IS: 2567-1963 Specification for Malathion emulsifiable concentrates.
75	CM/L-1405 13-3-1967	16-3-68	15-3-69	M/s. Ramkrishnan Kulwant Rai, Tiruvottiyur, Madras having their Office at 35, Sembudoss Street, 1st Floor, Madras-1.	Structural Steel (standard quality).	IS: 226-1962 Specification for structural steel (standard quality) ( <i>third revision</i> ).



76	CM/L-1407 14-3-1967	16-3-68	15-3-69	M/s. Power Cables Pvt. Ltd., Vithalwadi, Near Kalyan, Bombay.	Polythene insulated and PVC sheathed cables, single core and twin flat, with aluminium conductors.	IS: 1596-1962 Specification for polythene insulated and PVC sheathed cables.
77	CM/L-1412 1-4-1967	1-4-68	31-3-69	M/s. Alembic Chemical Works Co. Ltd., Alembic Road, Baroda-3.	BHC water dispersible powder concentrates.	IS: 562-1962 Specification for BHC water dispersible powder concentrates ( <i>second revision</i> ).
78	CM/L-1413 1-4-1967	1-4-68	31-3-69	M/s. Alembic Chemical Works Co. Ltd., Alembic Road, Baroda-3.	Endrin emulsifiable concentrates.	IS: 1310-1958 Specification for Endrin emulsifiable concentraes.
79	CM/L-1414 27-3-1967	1-4-68	31-3-69	M/s. Orient Iron and Steel Co. (P) Ltd., 2, Height Road, Liluah, Howrah.	Structural Steel (standard quality)	IS: 226-1962 Specification for structural steel (standard quality) ( <i>third revision</i> ).
80	CM/L-1415 27-3-67	1-4-68	31-3-69	M/s. Orient Iron and Steel Co. (P) Ltd., 2 Height Road, Liluah Howrah.	Structural Steel (ordinary quality).	IS: 1977-1962 Specification for structural steel (ordinary quality)
81	CM/L-1418 27-3-1967	1-4-68	30-9-68	M/s. Omega Insulated Cable Co. (India) Limited, Plot No. 16 & 17, Industrial Estate, Ambattur, Madras-53.	Polythene insulated and PVC sheathed cables with alumi- nium conductors (single core only)	IS: 1596-1962 Specification for polythene insulated and PVC sheathed cables.

[No. MD/33 16/A].  
(Dr.) A. K. GUPTA,  
Deputy Director-General

## (Department of Industrial Development)

## Indian Standards Institution

New Delhi, the 23rd April 1968

**S.O. 1594.**—In exercise of the powers conferred on me under sub-regulation (4) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended from time to time, modifications to the provisions of the Indian Standard, details of which are mentioned in the Schedule given hereafter, have tentatively been made with a view to provide an additional size of tea-chests, without in any way affecting the quality of goods covered by the relevant standards :

## THE SCHEDULE

Sl. No. and Title of Indian Standard, the provisions of which have been modified	Particulars of the existing provisions	Particulars of the modifications made to the provisions	Date from which the modifications shall come into force
1	2	3	4
IS: 10-1964 Specification for plywood tea-chests ( <i>second revision</i> ).	Clause 5.1 and Table I.	An additional size of tea-chests, namely of 40 × 60 cm dimensions has been included in clause 5.1 with resultant additions in table I (Draft Amendment No. 2).	Immediate effect.

[No. MD/15.5/12]  
(DR) A.N. GHOSH,  
Director-General.

## MINISTRY OF TRANSPORT AND SHIPPING

## (Transport Wing)

## PORTS

New Delhi, the 20th April 1968

**S.O. 1595.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Mangalore Harbour Project (Class III and Class IV posts) Recruitment Rules, 1966, published with the notification of the Government of India in the late Ministry of Transport and Aviation, Department of Transport, Shipping and Tourism (Transport Wing) No 5-PE (4)/64 dated the 30th June, 1966, namely:—

1. (i) These rules may be called the Mangalore Harbour Project (Class III and Class IV posts) Recruitment Amendment Rules, 1968.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Schedule to the Mangalore Harbour Project (Class III and Class IV posts) Recruitment Rules, 1966 —

(a) under the Heading "Part I : Class III posts :—

- (i) in serial number 11 "Draftsman Grade I", for the entries in columns 10 and 11, the following entries shall be substituted namely :—

## Column 10

## Column 11

"By promotion failing which by transfer and failing both by deputation.

(a) *Promotion* : Draftsman Grade II having a minimum of three years service in the grade.

(b) *Transfer/Deputation* : Persons working in similar or equivalent grades in other Central Government/State Government/Dep'ts. (Period of deputation ordinarily not exceeding three years.

- (ii) in serial number 12 "Head Draftsman/Chief Draftsman/Chief Estimator" for the entries in columns 10 and 11, the following entries shall be substituted namely :—

## Column 10

## Column 11

"By promotion failing which by transfer and failing both by deputation.

(a) *Promotion* : Draftsman Grade I having a minimum of 10 years service in the grade.

(b) *Transfer/Deputation* : Persons working in similar or equivalent grades in other Central Govt/State Government Departments. (Period of deputation ordinarily not to exceed 3 years).

- (iii) in Serial number 13 "Section Officer (Civil/Mechanical) Electrical" for the entries in columns 10 and 11, the following entries shall be substituted namely :—

*Column 10*

*Column 11*

- "By promotion failing which by transfer and failing both by direct recruitment. (a) *Promotion* : Draftsman Grade II with three years service in the grade.  
(b) *Transfer* : Persons working in similar or equivalent grades in other Central Government/State Government Departments.

- (iv) in Serial number 14 "Assistant Marine Surveyor", for the entries in columns 10 and 11, the following entries shall be substituted, namely :—

*Column 10*

*Column 11*

- "By promotion failing which by transfer and failing both by direct recruitment. (a) *Promotion* : Draftsman Grade II with three years service in the grade.  
(b) *Transfer* : Persons working in similar or equivalent grades in other Central Government/State Government Departments.

- (v) in Serial number 15 "Junior Marine Surveyor", for the entries in columns 10 and 11 the following entries shall be substituted namely :—

*Column 10*

*Column 11*

- "By direct recruitment failing which by transfer and failing both by deputation. *Transfer/Deputation* : Persons working in similar or equivalent grades in other Central Government/State Governments Departments. (Period of deputation ordinarily not to exceed 3 years).

- (vi) in Serial number 16 "Cameraman" for the entries in columns 10 and 11, the following entries shall be substituted namely :—

*Column 10*

*Column 11*

- "By direct recruitment failing which by transfer and failing both by deputation. *Transfer/Deputation* : Persons working in similar or equivalent grades in other Central Government/State Govt. (Period of deputation ordinarily not to exceed three years).

- (vii) in Serial No. 18 "Electrician-cum-Echo Sounder Mechanic" for the entries in columns 10 and 11, the following entries shall be substituted, namely :—

*Column 10*

*Column 11*

- "By direct recruitment failing which by transfer and failing both by deputation. *Transfer/Deputation* : Persons working in similar or equivalent grades in other Central Government/State Government Departments. (Period of deputation ordinarily not to exceed 3 years).

- (viii) in Serial No. 19 "Scientific Assistant", for the entries in columns 10 and 11, the following entries shall be substituted, namely :—

*Column 10*

*Column 11*

- "By direct recruitment failing which by transfer and failing both by deputation. *Transfer/Deputation* : Persons working in similar or equivalent grades in other Central Government/State Government Departments. (Period of deputation ordinarily not to exceed 3 years).

- (ix) In Serial No. 20 "Senior Observer", for the entries in columns 10 and 11, the following entries shall be substituted namely :—

*Column 10*

*Column 11*

- "By direct recruitment failing which by transfer and failing both by deputation". *Transfer/Deputation* : Persons working in similar or equivalent grades in other Central Government/State Government Departments. (Period of deputation ordinarily not to exceed 3 years).

(x) after serial number 21 and the entries relating thereto

(1)	(2)	(3)	(4)	(5)	(6)	(7)
22. Compounder-cum-Clerk.	1	General Civil Service Class III Non-Gazetted Non-Ministerial.	Rs. 130—5—175 —EB—6— 205—7—212 —EB—7—240	..	Min. 20 Max. 30	Matriculation or equivalent qualification. (i) Compounding test. (ii) Must be eligible for registration under Section 31 (c) or section 32 of the Pharmacy Act, 1948.
23. Auxiliary Nurse Midwife.		Do.	Rs. 150—5—175— 6—205—EB— 7—240—8— 256—EB—8 —280	..	Do.	(i) Matriculation or equivalent qualification. (ii) Government certificate in nursing with 3 years experience. (iii) Qualified in midwifery.
24. Chemist	1	Do.	Rs. 210—10— —290—15— 320—EB— 15—425	..	Min. 22 Max. 30	(i) B.Sc. in chemistry. (ii) Experience in analysis of inorganic compounds particularly in materials used in Civil Engineering such as Cement, lime, soil, water, sewage.
25. Driver Grade I	1	General Civil Service Class III Non-Gazetted Ministerial.	Rs. 210— 10—290— 15—320	..	Min. 21 Max. 40	An engineer's certificate under the Inland Steam Vessels Act, 1917 or equivalent with 3 years experience in similar capacity. Must be capable of carrying out repairs to machinery independently.
26. Driver Grade II.	2	Do.	Rs. 130—5— —170—EB 6—205— 7—212	..	Do.	An Engineer's Certificate granted under Inland Steam Vessel Act, 1917, or equivalent with 1 years experience in similar capacity. Must be capable of carrying out repairs to machinery independently.
27. Serange Grade I.	2	General Civil Services Non-Gazetted Class III.	Rs. 210— 10—290— 15—320	..	Do.	Possessing Masters Certificate under the Inland Steam Vessels Act, 1917 or equivalent with 3 years experience in similar capacity.

the following shall be inserted namely :—

(8)	(9)	(10)	(11)	(12)	(13)
N. A.	2 years	By direct recruitment failing which by transfer and failing both by deputation.	<i>Transfer/Deputation :</i> Persons working in similar or equivalent grades in other Central Govt./State Govt. Departments (Period of deputation ordinarily not to exceed 3 years)	..	As per rules.
N. A.	2 years	Do.	Do.	..	Do.
N.A.	2 years	Do.	Do.	..	Do.
N.A.	2 years	By promotion failing which by direct recruitment and failing both by transfer/deputation.	<i>Promotion :</i> From among suitable Drivers Grade II working in the project with 5 years experience. <i>Transfer / Deputation :</i> Persons working in similar or equivalent grades in other Central Govt/ State Govt. Deptts. (Period of deputation ordinarily not to exceed 3 years.)	Class III DPC	Do.
..	2 years	By direct recruitment failing which by transfer and failing both by deputation.	<i>Transfer/deputation :</i> Persons working in similar or equivalent grades in other Central Govt./State Govt. Deptts. (Period of deputation ordinarily not to exceed 3 years).	..	Do.
N.A.	2 years	By promotion failing which by direct recruitment and failing both by transfer.	<i>Promotion:</i> From among suitable Serange Gr. II working in the Project with 4 years experience as Serange Gr. II. <i>Transfer :</i> Persons working in similar or equivalent grades in Central Govt./ State Govt. Deptts.	Class III DPC.	Do.

1	2	3	4	5	6	7
			Rs.			
28. Serang Grade II.	2	General Civil Service Non-Gazetted Class III.	130-5-175-EB-6-205-7-212.	.. Min. 21 Max. 40	Possessing Master's Certificate under the Inland Steam Vessels' Act, 1917 or equivalent with 1 year's experience.	
29. Driver	1	General Civil Service Non-Gazetted Class III Non-Ministerial.	Rs. 150-5-175-6-205-EB-7-240.	.. Min. 18 Max. 45	(i) Must be literate (ii) Must have passed Trade Test in Driving or must be able to (1) Work underwater for at least 30 mts. below surface, (2) Sling sunken craft and recover lost material from underwater, (3) give a clear sketch of underwater damage to Ships and crafts, (4) Supervise and overhaul of diving pumps helmet and other diving gear, (5) To deal with explosive underwater, (6) Maintenance and upkeep of diving equipment.	
						Note: Persons with experience in similar capacity in the Indian Navy will be preferred.
(b) Under the heading "Part II Class IV Posts" after serial number 6 and the entries relating						
"7. Deck hand	8	General Civil Service Non-Gazetted Class IV.	Rs. 75-1-80-EB-2-95.	.. Min. 21 Max. 40	Experience in similar capacity as Deck hand.	

8	9	10	11	12	13
N.A.	2 years	By direct recruitment failing which transfer and failing both by deputation.	Transfer/Deputation : Persons working in similar or equivalent grades in other Central Govt./State Govt. Depts. (Period of deputation ordinarily not to exceed 3 years).	Class III DPC	As per rules.
N.A.	2 years	By direct recruitment failing which by transfer and failing both by deputation.	Transfer/Deputation : Persons working in similar or equivalent grades in other central Govt. State Govt. Depts. (Period of deputation ordinarily not to exceed three years).	Do.	Do.
..	..	..	..	..	..
..	..	..	..	..	..
thereto, the following shall be inserted namely :—					
..	6 months	By direct recruitment.	..	..	..

[No. F.5-PE(35)/67.]

P. L. GUPTA, Under Secy.

(Directorate General of Shipping)

ORDER

*Bombay, the 24th April 1968*

**S.O. 1596.**—In pursuance of note (3) of the schedule to the notification of the Government of India in the Ministry of Transport and Shipping relating to scales of provision for seamen, No. S.O. 2169, dated 21st June, 1967 and in furtherance of the order of the Director General of Shipping, No. 9(21)/CRA/67, dated the 24th October, 1967, I, K. C. Madappa, Director General of Shipping, hereby order that for a further period of six months with effect from the date of publication of this order, the total daily scale of cereal rations of 570 grams shall stand amended to 350 grams rice and 170 grams wheat, if procurement is made in India.

2. As a compensation for the reduction of 50 grams in the rice rations, the scale of other items shall be increased per day as under for each unit of 25 grams:—

- 10 grams of fresh fish, or
- 5 grams of meat, or
- 50 grams of dry vegetables, or
- 25 grams of fresh vegetables.

[No. 9(21)/CRA/67.]

K. C. MADAPPA, ▼

Director General of Shipping